"GET IT DONE"

Collaborating for Basin Cleanup

Report of the Outcome

Coeur d'Alene Basin
Stakeholders Consensus Process

September 2000 – March 2001

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Preface

"*Humanization has occurred - we don't want to lose that*".

A participant describing the Consensus Process at the Public Summit, February 12, 2001 - Wallace, ID.

Reflecting back on this process and the many meetings we attended since Fall 2000 we feel that we made progress in understanding the major cleanup issues associated with the Basin and identifying where "common ground" does and doesn't exist among the Stakeholders. We clearly recognize that the scope of this effort only included topics related to design and implementation of a cleanup strategy and did not include "hot buttons" in the Basin such as EPA's presence, the Superfund designation, the Burke Canyon Relocation and the UPRR rails-to-trails. However, we feel good about participating in the process, making the investment of our time and energy and seeing progress in developing a model for open and constructive communication.

How did this happen? What made this process different than so many other meetings and workshops? As we come to the close of our first effort of this process and reflect upon our experience our comments include:

"*No one's ideas were turned down – all comments were up on the board."*

"Trust was built by validation of people's concerns."

"Respect was built among the participants."

"The process allowed everyone to start paying attention to other's ideas."

"The timing was right – people decided it was time to get involved to solve their common problem."

"Leadership and structure were provided so people could take the leap of faith to trust the process."

"Ground rules and an understanding of how the participants got along were established."

This process was not mandated or required. It grew out of an idea by Idaho DEQ that a process for open dialogue toward building consensus would be useful in the Basin. Through discussions among many of us we decided to try this approach. The process was open to anyone and tailored to allow us to develop a framework reflecting our values, diverse perspectives and a broad technical understanding that can guide future clean-up decisions. We did not try to cover all issues or all aspects of those issues. These may come later. We understand that this process dealt with the difficult interface between science/engineering, regulatory policy and community values and acknowledge the difficulties in communication among the Stakeholders. We knew that we did not have the time in this first effort to explore the technical details. It is our hope that this effort is a first step in broader public involvement and mutual understanding in collaboration among all of the Stakeholders making cleanup decisions.

--- The participants, post-Public Summit workshop, March 9 - Coeur d'Alene, ID

"Get it Done, Collaborating for Basin Cleanup"
Coeur d'Alene Consensus Process, September 2000 – March 2001

Executive Summary

The consensus process focused on remediation of the sources addressed in the Coeur d'Alene Basin Feasibility Study and defined a general "common ground" remedial solution for the following four issues:

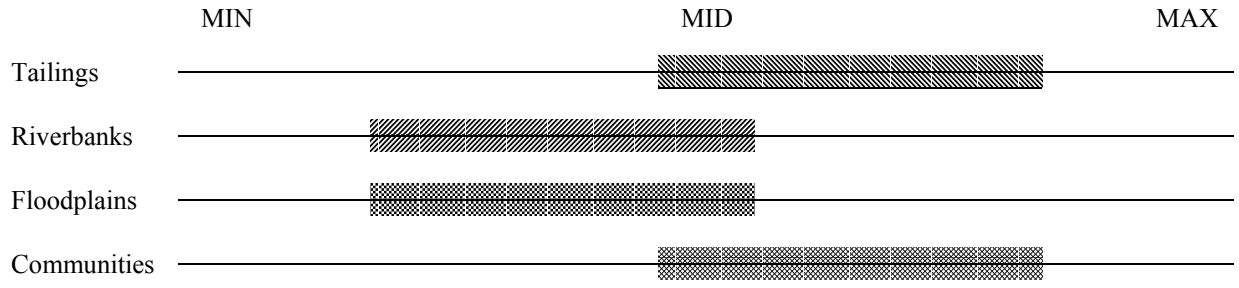
- Tailings along the South Fork and its Tributaries in the floodplain and on uplands that are major sources of zinc in the water;
- Banks and bed of the Coeur d'Alene River that are a major source of lead in the water;
- Floodplains along the River from Cataldo to Harrison that are a source of lead exposure to wildlife; and
- Sources of lead in communities that may be an exposure source to children including soil, indoor dust, and house paint.

These issues were selected for this process because they are major concerns in the Basin Feasibility Study. At the same time it was recognized that many other issues such as interim goals for water quality and priorities for source removals will require difficult decisions and may warrant a focused process for consensus building that can be part of implementation. In addition, topics not in the Basin Feasibility Study, such as the "Box", Coeur d'Alene Lake, Spokane River, TMDLs, and the UPRR right-of-way may be appropriate for a similar process. The list of stakeholders participating in the process is attached. While participation levels varied, all Stakeholders received ongoing communication and information.

The process dealt with the difficult interface between science/engineering, regulatory policy and community values, although timing of the effort did not allow for a detailed discussion of technical considerations. The large-scale technical facts were represented and incorporated into a framework of community values and acceptance. Discussion about national environmental policy was not addressed.

The Stakeholders identified a range of remedial actions within a broad range from maximum (relying predominately upon removals) to minimum (relying heavily upon natural attenuation, institutional controls, and monitoring). The "common ground" ranges of remedial activity are illustrated in the following figure.

Figure 1. Ranges of "Common Ground" for Remedial Activities



The ranges of "common ground" were not developed from detailed technical discussion, rather they reflect a coupling of values of participating Stakeholders with a general understanding of the technical aspects of the issues.

General Points of Consensus. There was a strong feeling that the remedy must protect human health and the environment and that those goals could be achieved through remediation within the range of "common ground". Remediation within the "common ground" range was believed to address habitat improvement in the Basin. While the group discussed the difficult questions about how to manage environmental disruptions, truck traffic, wear and tear of infrastructure, O&M and liability for repositories, funding, institutional controls and O&M of remedial actions the only solution identified was to minimize these impacts by careful and thoughtful decisions on removal actions. It was noted that these questions need to be addressed under a mid-range solution but that their magnitude is less than with a remediation plan utilizing maximum removal. In addition, it was noted that managing these issues will require a good working relationship among all of the Stakeholders and that a collaborative, open and inclusive implementation structure will foster necessary cooperation. It was recognized that there was a need to improve communication between those with technical understanding and those Stakeholders in the community without technical backgrounds.

In addition to the identification of a "common ground" remedial solution, there was strong consensus that a similar forum should be continued to assure public input throughout the duration of remediation activities. Other points of consensus relating to remedial implementation were:

- Management, direction and oversight of implementation should include Federal, State, Regional, Tribal and community involvement;
- To the extent practicable, the goal for utilization of the local workforce should be a "Project Labor Agreement," which would guarantee local hire, payment of prevailing wage, family health insurance and retirement benefits, and apprenticeship opportunities;
- Private property must be respected, i.e. no eminent domain; and
- Management of the remediation should be an iterative design process that reflects "learning from experience" with local input.

There was consensus that cleanup should start with sources representing the greatest impacts to human health and the environment and that work in the "Box" should be finished. Among a number of other important factors this group identified the importance of using cost/benefit analysis to guide prioritization. Concerns about uncertainties and unknowns in the effectiveness of the various solutions were recognized. In general, concerns were expressed about the:

- Unknowns in the effectiveness of remedial actions to achieve goals;
- Impossibility of complete removal;
- Potential secondary effects and disruptions (environmental and socio-economic) from remedial actions;
- Consequences of leaving inaccessible source material in place; and
- Practical considerations such as accessibility, dust and haul-traffic as well as the need to prevent recontamination.

Concerns about funding the capital costs and O&M were recognized. The need to maintain areas for recreation and access to those areas was identified. It was noted that implementation must be based upon accurate technical information and that peer review may be necessary when there is significant disagreement about technical points. Also, technical facts must be distinguished from environmental policy.

Tailings. There was consensus that remedial activities within the "common ground" range for tailings should aggressively remove accessible tailings in the floodplain of the upper Basin that are contributing a major load of metals to the River. Tailings out of the floodplain should be stabilized against erosion and human health exposures. It was recognized that there are large amounts of inaccessible tailings under I-90, communities, and private property and that treatment of contaminated water from these sources is the preferred solution if this load needs to be reduced. Planning and implementation of the remediation must always be open to emerging technologies. Low priority sources such as waste rock were not addressed in this process.

Riverbanks, Bed and Floodplain. Selection of specific remedial activities within the "common ground" range for riverbanks and floodplains called for a balance among the tradeoffs of disruptions of removals, economic and social costs, use restrictions on public and private land, and the time for achieving goals through natural attenuation. The "common ground" range includes a mix of localized removals and management of soil in-place. There was consensus that prioritization is necessary and that Thompson Lake, Swan Lake, and Stobel Marsh were priority areas. Concerns were identified about the unknowns relating to the natural processes operating in the River and its floodplains, and the uncertainty in predicting the outcome of remedial actions. It was agreed that more study is needed to make detailed decisions on what is necessary to stabilize the riverbanks and bed against erosion. There was an agreement that soil treatment, to reduce bioavailability of lead and improve productivity, is an option worth exploring. Development of technologies should learn from what is already in use by landowners and being studied in other States.

Communities. Remedial activities within the "common ground" range for communities should include outdoor and indoor sources, intervention during remediation, long-term institutional controls and education on lead exposure. The remedy will provide a level of effort that, (1) is protective enough of children's health for people to want to buy property and live in the communities, (2) does not destroy the communities with massive removals, and (3) will not strangle the communities with long-term institutional controls. There seemed to be agreement that an endpoint of no more lead-testing and no more "digging" is desirable. Education and controls against recontamination were identified as key aspects of a remedy to deal with the situation of many communities built on mine waste materials and the impossibility of removing all of the lead. It was noted that while this range of cleanup effort addresses soils and dust with concentrations greater than an action level, it does not address selection of the action level. The opinion that a standardized finger-prick method for blood-lead testing should be used was not countered.

Consensus Process. Planning of this consensus effort began in spring of 2000. At least 7 days of workshops and meetings were held between September 2000 and February 2001. The scope and schedule of the process was set to correspond with that of the Remedial Investigation/

Feasibility Study being prepared by EPA for the Basin. Topics that were not in the Basin Feasibility Study such as the "Box", Coeur d'Alene Lake, Spokane River, TMDLs and UPRR right-of-way were not part of the scope of this process.

The process generally followed four steps:
1) planning to define the scope and practical considerations of time and resources;
2) brainstorming to identify the issues within the scope for discussion and document all comments and points of view;
3) organizing the information from the participants to define a range of alternatives and their associated concerns; and
4) making choices and defining common ground.

Prior to the first meetings, many of the Stakeholders were interviewed about their hopes and expectations for the process. There was a general commitment among those interviewed that "personal agendas" and "baggage" must be left at the door, and broad agreement that a process to have constructive dialogue with others of differing perspectives was welcome. Since this was a new experience for many of the participants, "trust building" exercises were included in the first couple workshops.

The sessions were open and information distributed freely, providing the opportunity for Stakeholders to work with their neighbors. All information was put up on large boards for all to see and challenge. The open discussions provided a forum to understand each other's point of view and to appreciate the other's dilemma. The methodical development of the range of cleanup alternatives allowed learning and understanding of pros and cons that come along with each alternative.

Three Public Summit meetings were held near the close of this effort. Comments from the Public Summit generally reflected many of the same thoughts that had been voiced by the participants:
- How will the outcome of this process be used?
- How will the effort be continued both in schedule, scope and process?
- Many issues of concern were not included in the scope of this first effort such as UPPR Rails-to-Trails, Burke Canyon, TMDLs, financing and the Superfund designation.
- The desire for a project labor agreement.
- The need to balance environmental improvement with negative impacts such as top-soil depletion.

In addition comments from both those that believe the process focused on too much cleanup and those that believed that process focused on too little cleanup expressed skepticism that the process represented their views. There was also concern expressed about the accuracy of government sponsored technical information and the need for peer review. It was noted that there needs to be more effort given to bridge the interface between technical information and values of the communities.

As this activity comes to a close, many Stakeholders have confirmed the value of discussion with other Stakeholders with differing perspectives. The process introduced a vehicle to the

Stakeholders of the Coeur d'Alene Basin to bring other issues to the table for discussion and problem solving. Participants complemented the candor and respectful tone of the discussions and noted that the level of agreement increased as understanding increased. Regret was expressed about the difficulty in scheduling workshops so that everyone could regularly attend and the pressure of deadlines that were inherent in the process. There was discussion about the possibility of the consensus group providing an umbrella group to link the existing Stakeholder involvement efforts in the Basin such the CAC, CBRP, and CBIG.

Stakeholders Identified for CdA Basin Consensus Process

Benawah County Commissioners
Building and Construction Trades Council
Coeur d'Alene Basin Restoration Project Citizens Advisory Commission
Coeur d'Alene Basin RI/FS Task Force Citizens Advisory Committee
Coeur d'Alene Tribe
Cities of Coeur d'Alene, Post Falls, Harrison, Mullan, Osburn, and Wallace
CLEAN - (Community Leaders for EPA Accountability Now)
Congressman Butch Otter
Environmental and Engineering Consultant Firms
Idaho Department of Environmental Quality
Idaho Department of Lands
Idaho Fish & Game
Kootenai County Commissioners
Kootenai Environmental Alliance
Lake Shore Property Owners Association
Landowners and interested citizens
Mining Industry
Panhandle Health District
Save Our Rivers Environment
Senator Clyde Boatwright
Senator Larry Craig
Senator Mike Crapo
Shoshone County Commissioners
Shoshone Natural Resources Coalition
Spokane County Commissioners
Spokane River Property Owners Association
Spokane Tribe
U.S. Bureau of Land Management
U.S. Environmental Protection Agency
U.S. Fish & Wildlife

"Get it Done, Collaborating for Basin Cleanup"
Coeur d'Alene Consensus Process, September 2000 – March 2001

1. Introduction

This consensus process was initiated by Idaho Department of Environmental Quality and supported by EPA Region X and the mining industry to provide the opportunity for all Stakeholders to address the remediation alternatives for the Coeur d'Alene Basin. The scope and schedule of the process was set to correspond to that of the Remedial Investigation/Feasibility Study being prepared by EPA for the Basin. Topics that were not in the Basin Feasibility Study such as the "Box", Coeur d'Alene Lake, Spokane River, and UPRR right-of-way were not part of the scope of this process. After the process commenced, the Spokane River was added to the Feasibility Study but because Washington State agencies had chosen not to participate in the consensus process it was not added to the scope.

The purpose of the process was to identify "common ground" or points of divergence for EPA to use in selecting the proposed cleanup plan scheduled to be released in July 2001. The paper developed in summer 2000 describing the process is attached as Appendix A. Stakeholder groups participating in the process are listed in Appendix B. While participation levels varied, all Stakeholders received ongoing communication and information. Appendix B also contains letters from Washington Department of Ecology, Lands Council and the Spokane Tribe regarding their withdrawal from the process.

2. Issues and Information

After a day of brainstorming at the first workshop on September 7, 2000 four dominant issues and corresponding primary sources in the Basin were identified and are summarized in Table 1. These sources and issues were selected for the purposes of the consensus process with full recognition that there were other sources and issues within the Basin worthy of future discussion.

Table 1. Environmental Issues and Sources in Coeur d'Alene Basin

Dominant Issues in the CdA Basin	Primary Source Materials
Zinc in Water	Tailings Piles and tailings dispersed in the Floodplain of South Fork and Tributaries
Lead in Water	Lower CdA River Banks and Bed
Lead Exposure to Waterfowl	Lower CdA River Floodplain, i.e Lateral Lakes and wetlands
Lead Exposure to Children	Soil, dust and paint in Communities

Factors identified on the September 14, 2000 workshop that were to be considered relative to the issues were economic viability, the process that will guide cleanup, workforce issues, legal/regulatory issues, sound science and engineering, human health, environmental health,

community/public concerns, costs, the end goals, and social impacts. In addition, plans were made to develop a questionnaire to collect broad public input on the issues and factors. Public input from this questionnaire would supplement information collected from the Stakeholders at the upcoming workshops.

Information and concerns relating to the environmental cleanup of each of these sources was gathered during several days of brainstorming workshops (October 18-19 and November 8), recorded on 5"x8" cards, and displayed on large boards. All Stakeholders groups and individuals were invited to the workshops. Input on 5"x8" cards displayed on the big boards are provided as Appendix C-1. Additional information submitted by Stakeholders relative to the scope of discussions during the process is included in Appendix C-2, C-3, C-4 and C-5. The public input questionnaire and the summary of comments are included as Appendix D. Input was recorded throughout the process on issues not specifically within the scope of the process such as Superfund designation, Coeur d'Alene Lake, and the Union Pacific Rails-to-Trail. This input was recorded and is presented as Appendix E.

3. Summary and Synthesis of Information on the Big Boards

The input recorded on cards during the workshops (October 18 and 19 and November 8) addressed the range of remedial actions, process of implementation, effectiveness of remedial actions, and selection of cleanup goals/standards. The summary statements of each issue, (1) tailings in the South Fork and its tributaries, (2) erosion of banks and beds in the lower River system, (3) contaminated floodplains along the Coeur d'Alene River, and (4) contaminated soil and dust in the communities are provided as Tables 2, 3, 4, and 5. The summaries of the information on the big boards contained the following:

- Approaches to remedial solutions ranging from removal to institutional controls and natural recovery;
- Concerns about priorities and the technical unknowns of remedial actions;
- Strong interest in the approach to the workforce, management, and private property through implementation of the remediation; and
- Approaches to cleanup goals ranging from "goldbook" for water and risk based/or background for soil to letting natural processes determine the outcome.

Syntheses of the summary information in Tables 2-5 are presented in Tables 6 and 7. The syntheses attempted to link the different approaches with the associated concerns. Because the summaries of the information pertaining to tailings along the South Fork and its tributaries, the Coeur d'Alene riverbanks and bed, and the Coeur d'Alene River floodplain were similar, they were combined for the synthesis of these sources (Table 6). Because of the uniqueness of remediation of yards and homes, synthesis of the information gathered on communities was kept separate. Points of "common ground" and divergent opinions were drawn from the syntheses.

3.1 Points of "Common Ground"

There were several points of "common ground" evident from the summary statements that pertained to both remediation of tailings, riverbed and banks and floodplain and to the communities. There seemed agreement that management, direction, oversight of implementation

should include Federal, State, Regional, Tribal and Local representations, local workforce and resources should be used and provide training opportunities, and private property rights must be respected. Additionally there seemed agreement that management of the remediation implement an iterative design process that reflects "learning from experience" with local input.

Concerns and priorities consistently called for starting with remediation of sources representing the greatest impacts to human health and the environment, using cost-benefit analysis to develop priorities, and finishing work in the "Box".

Concerns about uncertainties and unknowns in the effectiveness of the various solutions were recognized. In general, the concerns noted the:

- Unknowns in predicting effectiveness of remedial actions to achieve goals;
- Impossibility of complete removal;
- Potential secondary effects and disruptions (environmental and socio-economic) from remedial actions;
- Consequences of leaving inaccessible source material in place; and
- Practical considerations such as accessibility, dust and haul-traffic as well as the need to prevent recontamination.

Concerns about the capital costs and O&M were recognized. The need to maintain recreation areas and access to those areas was identified. There was no counter-point about using a standardized finger-prick method for blood-lead testing offered at the workshops. Subsequent comments submitted challenged the protocol (Appendix C-5).

3.2 Points of Divergent Opinion

Tailings, Riverbanks and Beds, and Floodplains

For the sources, tailings in the upper River system, and the lower River banks, bed, and floodplain the solutions ranged from complete removal to partial removal complemented by isolation, treatment and stabilization to natural recovery with education, management and use restrictions. The methods for determining cleanup goals and standards ranged from strict use of water quality standards (Federal, State, Tribal) to using risk-based and background concentrations for soil to modifying the standards according to community opinions, site -specific criteria, and feasibility of remedial actions.

The differences in opinion about the appropriate remedial action appear to be driven by:

- Different beliefs (in the absence of technical certainty) about the effectiveness of remedial actions;
- Differences in the level of concern about the concentrations of metals in the water and soil;
- Differences in the acceptable duration of ecological disruption caused by the remedy; and
- Differences in acceptance of land use restrictions due to contamination left in place.

Those advocating large-scale removals appear to be accepting of the time for healing environmental disruption caused by removal and appear to not accept long-term land-use restrictions due to contamination left in place. Those advocating lesser disruptive remedies cite

concern about the cost and time for environmental healing after remediation and appear to accept the idea of land use restrictions that may result from contamination remaining.

Lead Exposure in the Communities

For the sources of lead exposure in the communities the solutions included yard remediation, indoor source abatement, blood lead testing with follow-up intervention, education and institutional controls. The cleanup goals ranged from those based upon conservative risk assessment assumptions to those guided by local and site-specific criteria.

The differences in opinion about the appropriate remedial action appear to be driven by:

- Different opinions on the possibility or impossibility of total metal removal and the effectiveness of yard remediation on reduction of blood lead levels;
- Different opinions on the contribution of interior sources and other non-yard sources on blood lead exposure;
- Different understanding on the role of blood lead testing on reduction in exposure; and
- Different levels of concern about the potential for negative impacts and disruption in the communities.

Those advocating greater emphasis on removals appear to believe that it is the only way to achieve an end to blood lead testing, protect future populations and achieve a level of clean soil that provides unrestricted land use. Those advocating lesser removals complemented by indoor source cleanup, intervention, and institutional controls see the impossibility of removing all of the lead, believe there are significant sources besides soils that must be abated, do not accept the relationship between lead in soil and elevated blood lead levels, and are concerned about the potential for socio-economic impacts of large scale removals to the communities.

Although there is an obvious link between remediation effort and the cleanup goals that will be established, for purposes of this process, the primary focus is discussion on the range of remediation effort. The information from the "big boards" suggested that the uncertainty and unknowns about the effectiveness of remediation activities make detailed discussion about the connection between cleanup goals and remediation alternatives difficult. In addition, selection of cleanup levels is constrained by legal requirements that are outside the scope of this process.

Accuracy of the summary statements and synthesis of the information were confirmed and the tradeoffs of the remedial options were discussed at the workshop on December 11.

4. Range of Alternatives and Tradeoffs

In general, the range of alternatives and concerns pertaining to (1) tailings along the South Fork and its tributaries, the lower Coeur d'Alene River banks, bed and floodplain and (2) the communities are similar enough that they are considered together for the purposes of discussing the tradeoffs of the range of alternatives. The range of alternatives was confirmed and the associated pros and cons of the range of alternatives listed in Table 8 were developed at the workshop held on December 11, 2000. Also at this workshop the components included in the mid-range alternative and low-range alternatives were defined.

The alternative with maximum effort relied predominantly on removal of soil from recreational areas, tailings in piles and dispersed in the floodplain, beds and banks and floodplains that exceed cleanup levels. Additional actions such as water treatment would be included as necessary.

The mid-range alternative was defined as follows:

- Partial removal and isolation in repositories (or backfill into mines) from specific areas of tailings in the floodplains with high potential for erosion or human exposure; river bank wedges and hot spots in the River bed; tailings piles with high human exposure; and community yards, common use areas, and indoor dust with lead greater than a specified concentration.
- Treatment of floodplains with phosphates, lime, and/or organic matter; cleanup riverbanks/beds with clean sediment or with cut-off treatment trench; capture and treatment of leachate from tailings piles; reduce exposure in communities by demolition and replacement/removal and revegetation.
- Stabilization of floodplains with vegetation covering; improve riverbanks/beds by water level controls, riprap and/or wake berms, and wake control; control water run-on and vegetate covers; remove lead-based paint and re-paint.

A no-action alternative was determined not be a realistic option because there was a general agreement that some things must be done to meet legal requirements. The minimum alternative was defined as including:

- Institutional controls likely requiring a multi-County comprehensive plan and new County laws/regulations.
- Natural recovery with monitoring.
- Bank erosion reduction by boat control, control of Lake water level, and bank stabilization/vegetation.
- Management of wildlife feeding areas and providing alternative feeding areas.
- Water quality improvement by stream habitat improvements, treatment of discharge from adits, reduce loading from the "Box", selective removals of tailings and rock dumps in contact with streams, monitoring.
- Reduce lead exposure by education, blood testing, health intervention, and specific source control or removal based upon elevated lead.

Although there will be countless details to be worked out as alternatives are applied to specific sources and areas within the basin, the pros and cons that have been identified can guide the "big-picture" discussion of tradeoffs among the range of alternatives. The pros and cons pose questions that must be answered for the selection and implementation of alternatives. Example questions that were posed to assist the discussion at the final workshop held on January 16 follow:

Questions associated with maximum effort:

Can restoration to background be practically achieved?

How should the continuing contamination to water from remaining non-accessible sources be handled?

How should the environmental disruptions such as water quality degradation, traffic, dust, and destroyed vegetation, etc. from removal be handled?

How can removal on private property be handled?
How should the truck traffic and wear and tear of infrastructure be handled?
How should the long-term O&M and liability of repositories be handled?
How can capital cost of large-scale removals be funded?

Questions associated with mid-range effort:

Can mid-range effort achieve cleanup goals?
How can the requirement for technology development be handled?
How should the environmental disruptions from removal be handled?
How should the truck traffic and wear and tear of infrastructure be handled?
How should the long-term O&M and liability of repositories be handled?
How can capital costs of mid-range level of removal be funded?
How can either temporary or permanent institutional controls and O&M be handled?

Questions associated with minimum effort:

Can this level of effort meet cleanup goals?
Can this level of effort meet regulatory requirements?
How to manage long time frame (if ever) to meet cleanup goals?
Is there community and agency support for long time frame for cleanup?
How can temporary or permanent land restrictions, institutional controls and O&M be handled?
How to assure support and funding for long term monitoring?

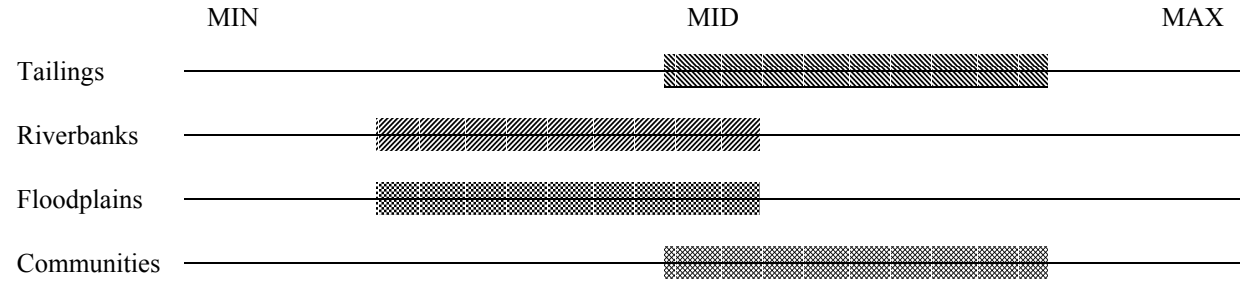
5. Defining "Common Ground"

The outcome at the January 16, 2001 workshop of discussing the tradeoffs of the range of alternatives--maximum, midrange, and minimum-- as previously defined is illustrated in Figure 1. The discussion notes are provided in Appendix F. Narrower ranges of "common ground" for remediation within the broad range extending from relying predominately on removal to relying predominately upon natural recovery were defined for tailings, riverbanks, floodplains and communities. There were a few positions within the group that fell outside of the range defined as "common ground". In addition to the "common ground" for the range of remedial activities, there seemed to be consensus about the need for the following:

- Cooperation with landowners;
- Full respect of private property rights guarding against eminent domain, unacceptable property, property devaluation, and loss of owner control of usage.
- An open system for sharing information;
- Inclusiveness in decision making;
- Opportunities for economic development; and
- A "project labor agreement" establishing local hire practices including prevailing wage, family health insurance and retirement benefits, and apprenticeship opportunities.

Also the need to establish priorities and address the sources according to the priorities was clearly stated.

Figure 1. Ranges of "Common Ground" for Remedial Activities



Tailings in Upper River

Figure 1 shows that "common ground" for tailings along the South Fork and its tributaries is a range from mid extending toward maximum effort. There was consensus that remedial activities within the "common ground" range for tailings should aggressively remove accessible tailings in the floodplain of the upper Basin that are contributing a major load of metals to the River. Tailings out of the floodplain should be stabilized against erosion and human health exposures. It was recognized that there are large amounts of inaccessible tailings under I-90, communities, and private property and that treatment of contaminated water from these sources is the preferred solution if this load needs to be reduced. Planning and implementation of the remediation must always be open to emerging technologies. Lower priority sources such as waste rock were not addressed in this process. It was recognized that reduction of dissolved metals is part of the improvements to habitat that are needed.

Lower Basin Banks, Bed and Floodplain

Figure 1 shows that "common ground" for the riverbanks and bed and floodplains along the mainstem of the Coeur d'Alene is a range from mid extending toward the minimum effort. Selection of specific remedial activities within the "common ground" range for riverbanks and floodplains called for a balance among the tradeoffs of disruptions of removals, economic and social costs, use restrictions on public and private land, and the time for achieving goals through natural attenuation. The "common ground" range includes a mix of localized removals and management of soil in-place. The combination of partial removal, treatment and capping was thought to provide the tools for achieving risk reduction to wildlife. There was consensus that prioritization is necessary and that Thompson Lake, Swan Lake, and Strobel Marsh are priority areas. Concerns were identified about the unknowns relating to the natural processes operating in the River and its floodplains, and the uncertainty in predicting the outcome of remedial actions. It was agreed that more study is needed to make detailed decisions on what is necessary to stabilize the riverbanks and bed against erosion. There was an agreement that soil treatment, to reduce bioavailability of lead and improve productivity, is an option worth exploring. Development of technologies should learn from what is already in use by landowners and being studied in other States.

Communities

Figure 1 shows that "common ground" for soil and dust in communities is a range from mid extending toward maximum effort. Remedial activities within the "common ground" range for communities should include outdoor and indoor sources, intervention during remediation, long-term institutional controls and education on lead exposure. The remedy will provide a level of

effort that, (1) is protective enough of children's health for people to want to buy property and live in the communities, (2) does not destroy the communities with massive removals, and (3) will not strangle the communities with long-term institutional controls. There seemed to be agreement that an endpoint of no more lead-testing and no more "digging" is desirable. Education and controls against recontamination were identified as key aspects of a remedy to deal with the situation of many communities built on mine waste materials and the impossibility of removing all of the lead. It was noted that while this range of cleanup effort addresses soils and dust with concentrations greater than an action level, it does not address selection of the action level. The opinion that a standardized finger-prick method for blood-lead testing should be used was not countered. Subsequent comments submitted challenged the protocol (Appendix C-5).

Statements developed that describe the range of "common ground" and respond to the questions posed in analysis of the pros and cons are as follows:

1. Can mid-range effort achieve cleanup goals?
   Midrange efforts can be employed to accomplish cleanup goals:
   - *Insure public health*
   - *Assure ability to conduct commerce in the community*
   - *In some cases, maximum effort may be necessary to achieve cleanup goals*
   - *In other cases minimum effort may achieve necessary outcomes*
   - *Management of wetlands and lateral lakes in the lower River can reduce requirements for removal.*

2. How can the requirement for technology be handled?
   Treatment likely can be used to reduce loading to the water from inaccessible tailings sources and instead of removals in some areas. Technology development is an evolving process. The long-term implementation process must be adaptable to new technologies as they emerge.

3. How should environmental disruptions from removal be handled?
4. How should truck traffic and wear and tear of infrastructure be handled?
5. How should long term O&M and liability of repositories be handled?
6. How can capital costs of mid-range level of removal be funded?
7. How can either temporary of permanent institutional controls and O&M be handled?
   In general no easy answers emerged for the difficult questions about how to manage environmental disruptions, truck traffic, wear and tear of infrastructure, O&M and liability of repositories, funding, and institutional controls and O&M of remedial actions, except to minimize these impacts by careful and thoughtful decisions on removal actions. It was noted that these questions need to be addressed under a mid-range solution but that their magnitude is less than with a remediation plan utilizing maximum removal. In addition, it was noted that managing these issues will require a good working relationship among all of the Stakeholders and that a collaborative, open and inclusive implementation structure will foster necessary cooperation.

6. Public Summit Meetings

Three public summits were held on February 12 and 13, 2001. Approximately 150 people attended the evening meeting in Wallace and about 60-70 people attended the meetings in Coeur d'Alene. After presentations by process participants describing the points of "common ground" there was a lengthy time for questions and comments. Comments offered from the floor were recorded and are presented in Appendix G-1. The comments addressed the following interests and concerns.

- How will the report be used, particularly by EPA?
- How will the effort be continued, both in timing, scope and process?
- Other issues of concern are UPRR Rails-to-Trails, Burke Canyon, Cleanup Goals, hazards of an open hole, and EPA Ombudsman Office.
- Questions about implementation of Basin cleanup include financing, Superfund designation, access to information and answers to questions, a system of checks and balances between workers, management, Federal, State and local parties, and community involvement.
- Technical concerns relating to cleanup included the need to cleanup for lead and zinc, soil treatment, demands for top-soil, and site-specific questions.
- The need for a project labor agreement and union workers was reiterated.
- Concerns about the RI/FS included the need for peer review, comment process, the timeline, and the relationship between lead levels in soil and exposure.

Comments received following the public summit meetings are included as Appendix G-2. The following concerns were expressed.

- The need for a project labor agreement and a local workforce.
- Long-term health effects from lead exposure.
- The "common ground" did not include opinions wanting substantial clean-up in the area.
- Cleanup should occur primarily at "hot spots".
- A lot of cleanup work left to be done.
- The environmental degradation of top-soil mining.
- The need to incorporate the North Fork drainage in the Basin cleanup plans.
- The need for peer review on the "blood lead exposure model" and water quality standards.
- The inappropriate TMDL on the South Fork and North Fork.
- Damage to the local economy from EPA, Superfund designation and environmental cleanup.
- The need for technologies for recovering metals.

7. Final Workshop

Participants came together on March 9, 2001 for the last workshop on the effort that was scoped last fall. The discussion and comments from the workshop are recorded in Appendix H. Topics of discussion included:

- How to interface the technical aspects with community values?
- How to use the outcome of the process?
- Why did the process work?
- Next steps?

- Scoping of the next step?
- How to structure public outreach?

The discussion expressed a strong desire and commitment from the participants to continue the process with a new scope. There was a lot of discussion about the necessity of coupling the technical concepts with community values and the difficulty in achieving this. The discussion provided good ideas about how the process and its outcome could be used both by EPA and other agencies as well as by the broader public. The participants reflected on why this process worked and acknowledged that working in an open respectful process felt good.

Table 2. Summary Statements
Zinc in the Water: Leaching from Tailings along the South Fork and its Tributaries

1. Range of Solutions (remedy can include combinations)

1.1 Removal ranged from complete to partial removal in critical areas.
1.2 Treatment included passive technologies, collection and active treatment, and tailings reprocessing.
1.3 Isolation included capping sources and hydraulic cutoff.
1.4 Institutional controls relied upon natural recovery and biodilution.

2. Concerns about Solutions

2.1 Priorities emphasized remediation of tailings that are accessible for work and have the greatest human health risks and environmental impacts and addressed finishing the work in the "Box" and leaving active mines in place.
2.2 Unknowns noted the need for:

- consideration of repository locations and dust and haul-traffic of removals
- understanding ecological and environmental disturbances and increased contamination due to remediation
- understanding the environmental impacts of leaving inaccessible tailings in place
- the need for source-specific plans
- understanding long-term and downstream effectiveness, and a plan for sludge disposal from treatment

2.3 Costs noted that long-term O&M is expensive and that O&M for passive treatment is less than active treatment and that a cost-benefit analysis should be included in design decisions.
2.4 Other sources of contamination noted included unknown sources, waste rock piles, inactive mine and mill sites, and groundwater interacting with CIA.

3. Implementation of a Remedial Program

3.1 Workforce should be local with project labor agreement.
3.2 Management, direction, and oversight should include federal, state, local, and tribal representation using an iterative approach (learning from experience) with a process for source-by-source assessment and remedial design that hears local voices.
3.3 Property (public and private) owners must be protected and respected

- involved in decisions and options development
- no eminent domain

4. Cleanup Goals

4.1 General goals ranged from the general protection of environmental health to achieving unrestricted use.
4.2 Water quality goals ranged from achieving the TMDL and downstream goals, to intermediate standards showing progress through measurement of beneficial use to setting site-specific goals considering local conditions and concerns.
4.3 Human health goals are to be protective and consider variations in risk.

Table 3. Summary Statements
Lead in the Water: Erosion of River Banks and Bed of Coeur d'Alene River

1. Range of Solutions (remedy can include combinations)

1.1 Removal ranged from complete to spot removal and removal of bank wedges with no dredging of river
1.2 Bank stabilization included full armor to partial armor and revegetation, wake berms and hydraulic controls.
1.3 Treatment includes revegetation, and chemical and nutrient amendments.
1.4 Institutional controls includes education, signage, access restrictions, boating restrictions and draw-down controls.
1.5 Natural recovery and monitoring

2. Concerns about Solutions

2.1 Cost and inflation
2.2 Unknowns noted the need for:

- understanding the effects on sediment movement from piece-meal and comprehensive bank stabilization
- effectiveness monitoring
- understanding both human and ecological disruption from remediation
- understand and develop criteria for evaluation of differences in outcome of partial removal vs. widespread excavation
- consideration of accessibility of riverbanks by road or barge
- consideration of the dam licensing authority and water levels controls
- considering the effects of recurrent floods

3. Implementation of a Remedial Program

3.1 Workforce should include local hires and private land owners.
3.2 Management should include government agencies and locals (i.e., SVNRT) and practice an iterative approach to learning what works.
3.3 Recreation acreage and use should not be reduced but improved by remediation.

4. Cleanup Goals

4.1 General goals ranged from the general protection of human and ecological health with decisions by local residents so as not to damage communities to achieving pre-mining conditions.
4.2 Water quality goals noted the necessity to achieve TMDL and tribal standards and countered with the concern that removal to background or goldbook levels are unrealistic.

Table 4. Summary Statements
Lead Impacts: Contaminated Floodplains along Coeur d'Alene River

1. Range of Solutions (remedy can include combinations)

1.1 Removal ranged from total removal of contaminants to partial removal with no disturbance to the lake bottom.
1.2 Treatment considered reduction of bioavailability, i.e. soil amendments, phosphates, pH control, nutrients, natural recovery.
1.3 Isolation considered regrading of soils and hydraulic cutoff walls.
1.4 Institutional controls included allowing Mother Nature to work and using signs and fences to control access.
1.5 Natural recovery and monitoring.

2. Concerns about Solutions

2.1 Priorities were "hotspots" and water potato areas which include Thompson Lake, Swan Lake, and Strobel Marsh, common sense solutions, areas with greatest potential for transport of metals and human health and environmental impacts, and actions indicated by cost-benefit analysis.

2.2 Unknowns noted the need for understanding of the:

- environmental impacts of dredging (repository sites, aesthetic impacts, existing habitat and recreation) and financial feasibility of dredging
- impacts of leaving inaccessible tailings in place (including urban areas and transportation corridors)
- controlling recontamination
- effects of cleanup in specific areas and nutrient-loading from soil treatment
- effective monitoring

3. Implementation of a Remedial Program

3.1 Workforce should be local paying prevailing wages with benefits and training, complying with Tribal employment ordinances for work near the reservation.
3.2 Management should include locals and involve the public inclusive of all stakeholders.
3.3 Property (public and private) owners must be protected and respected

- involved in decisions and options development
- no eminent domain

4. Cleanup Goals

4.1 General goals suggested unrestricted land use for safe recreation, protection of cultural/tribal resources and provide uncontaminated habitat. Ideas on wetland ranged from ensuring no loss to accepting the loss.
4.2 Human health protection ranged from a comprehensive cleanup to selection of areas for cleanup by determining the actual use exposures.
4.3 Wildlife health goals ranged from evaluation of migratory birds on the individual levels consideration of the bird populations and the effects of other sources; impacts to animals must be determined if cleanup does not achieve background.

Table 5. Summary Statements
Children's Exposure to Lead: Contaminated Soils and Dust in Communities

1. Range of Solutions (remedy can include combinations)

1.1 Outdoor/Home solutions considered yard remediation based upon a range of factors, such as sampling data, proximity to sources and consistency among communities.

1.2 Indoor/Home solutions called for remediation of primary sources using EPA practices in other regions to developing strategies based upon home-specific assessment.

1.3 Intervention includes community-based education and treatment programs using local physicians to complement yard removal and as a tradeoff with yard remediation.

1.4 Institutional controls should include effectiveness monitoring, and programs to limit recontamination, improve appearance of communities, and enhance economic sustainability of communities.

2. Concerns about Solutions

2.1 General concerns include the:

- impossibility of total metal removal
- potential negative effects on the socio-economic conditions of the communities
- potential for recontamination
- need for road maintenance and other infrastructure issues
- appropriateness and effectiveness of yard removals; ensure replacement with quality soil.
- eminent domain, adverse condemnation and unilateral administrative orders.

2.2 Cost - Identify non-CERCLA funds to pay for those parts of the solution that are ineligible for Superfund $ such as paint abatement.

2.3 Blood testing should use appropriate and scientific methods, such as standardized finger-prick method and the data should be publicly released; blood lead testing should not guide cleanup actions.

2.4 Recreation access and areas should not be reduced and a collaborative approach should determine priorities for cleanup of recreation areas.

3. Implementation of a Remedial Program

3.1 Workforce should utilize locals with project labor agreement and training opportunities and career development.

3.2 Management should include direction and oversight, guard against negative impacts of remediation, and enhance long-term economic opportunities.

3.3 Private property transactions must not be hampered by cleanup allowing for normal land use and protection from eminent domain.

4. Cleanup Goals

4.1 Cleanup goals ranged from using conservative assumptions for risk assessment to using local criteria to determine health risks/impacts. Factors included the need to evaluate actual exposure scenarios and consider tribal subsistence, future populations, and EPA statutory mandates.

4.2 End-point ranged from wanting to know the time when no further removal/testing was required to lead-safe communities to stating that such end-point was not possible.

Table 6. Synthesis of Information from Workshops

Remedial Actions for Tailings, River Bed and Banks and Floodplain		
Complete Removal	Partial Removal, Isolation, Treatment, Stabilization	Institutional Controls
Concerns		
· damage to the existing ecosystem · visual impacts and local disruptions · need for multiple repositories and topsoil · high capital cost · accessibility for work · may not meet goals	· may not be permanent remediation · requires technology development · O&M costs · may require institutional controls · may not meet goals	· effectiveness and rate of natural processes · acceptance of use restrictions · acceptance of education · O&M costs · may not meet goals for a very long time
Implementation		
· Management/Direction/Oversight should include Federal, State, Regional, Tribal and Local representation · Utilize local workforce and resources and provide training opportunities · Utilize iterative process to learn from experience		
Effectiveness of Remedial Actions		
· Many unknowns and uncertainties in predicting effectiveness of remedial actions · Will anything short of full removal meet goal? · Will goal be achieved even with removal of reasonable accessible material? · What is effectiveness and permanence of isolation, treatment, stabilization? · What are the effects and rates of natural recovery?		
Cleanup Goals/Standards		
· "Goldbook" TMDL or stricter for water · Risk based/background for soil	· Standards shaped by cost/benefit of remedial actions, community values, and site-specific conditions	· Let natural processes determine outcome
Concerns		
· Legal basis · Protect ecosystem	· Standards must be achievable · Balance between remediation and existing ecosystem · Different goals for priority areas and private property	· Natural recovery is working

Table 7. Synthesis of Information from Workshops

Remedial Actions for Lead Exposure Communities		
Maximum Yard Remediation	Moderate Yard Remediation with Indoor Source Removal with Intervention and Institutional Controls	Limited Source Removal with Intervention and Institutional Controls
Concerns		
· damage to structures & infrastructure of communities · visual impacts, local disruptions, and negative perceptions · socio-economic impacts · needed repositories and topsoil · high capital cost · accessibility of source · does not address other sources · may not meet goals · possibility of an end-point	· may not be permanent remediation · visual impacts, local disruptions, and negative perceptions · requires process development · O&M costs · institutional controls · may not meet goals · possibility of an end-point	· effectiveness · may require use restrictions · acceptance of education · acceptance of blood lead testing · O&M costs · may not meet goals for a very long time · unlikely to reach an end-point · may limit community revitalization
Implementation		
· Management/Oversight should include Federal, State, Regional, Tribal and Local representation · Utilize local workforce and resources and provide training opportunities · Allow for normal private property transactions · No restrictions on recreation – priorities determined collaboratively		
Effectiveness of Remedial Actions		
· Many unknowns and uncertainties in predicting effectiveness of remedial actions · Will anything short of full removal meet goal? · Will goal be achieved even with removal of reasonable accessible material? · How to control sources other than yards · How to address potential for recontamination		
Cleanup Goals/Standards for Soil and Dust Concentrations		
· Conservative assumptions for risk assessment using models	· Goals shaped by site-specific exposure response analysis, community values, and cost/benefit analysis	
Concerns		
· Cleanup strategy must match actual situation and exposure sources · Use of blood lead testing data · Long-term protectiveness of future generations · What strategy is the most effective · Expectations of an end-point · Protect for recreation and subsistence diet		

Table 8. Preliminary Identification of Tradeoffs of Remedial Actions From the 12/11/00 Workshop

Remedial Strategy	Pro	Con
Maximum effort - Rely predominately on removals	· Provides hope of restoring environment to background · Less future O&M · Fewer institutional controls · Unrestricted land use · Less sources for recontamination · May facilitate real estate transactions and agency actions · Improve aquatic/wildlife habitat (assuming restoration) · May improve communities infrastructure	· No certainty of restoring environment background · Does not address truly "inaccessible sources" · Damage and impacts to environment and communities for unknown duration require O&M for restoration · May not get at all of the sources · Cost prohibitive · High requirement for top soil and multiple repositories · Repositories long-term O&M and liability issues · Long-term implementation and wear and tear on infrastructure · May restrict land use (i.e agriculture)
Mid-range effort - Rely on partial removal with isolation, treatment, stabilization; For lead exposure combine with addressing indoor lead sources & intervention	· Lower capital cost · Reduces requirement for topsoil and repository space · Provides more options for site-specific situations · Provides options to address multiple sources	· Requires technology and process development · Requires area O&M and perhaps institutional controls · Has all the requirements of large-scale removal only less of it · May require land use restrictions
Minimal Action Level	· Low capital cost · Virtually no requirement for topsoil and repository space · Provides more options for site-specific situations · Incorporate into existing planning and zoning systems · Can balance recreation use by replacing/managing sites to reduce risk to children · No disruptions by remedial actions · Identify greatest sources for removal, "hot spots" · May utilize programs in place · Focus on specific pathways · Addresses known problems · Reduces individual blood levels	· Requires extensive institutional controls · Requires restricted use and loss of recreation for a long time · Very long time to meet environmental goals · Maximum O&M · Maximum need for cooperation and maximum gov't intrusion · Can not assure public acceptance over long term · Cost of long-term monitoring · Difficult compliance · Hard to assess improvement · Blood lead strategy is reactive and not fully protective · Does not address all sources

Building a Consensus Plan for Environmental and Human Health Remediation in the Coeur d'Alene River Basin

prepared by:
Idaho Department of Environmental Quality

Background

The Coeur d'Alene River Basin is currently the subject of an U.S. Environmental Protection Agency (EPA) RI/FS process designed to develop a remedy for environmental impacts and human health risks posed by metal contamination in water and soil. The draft Feasibility Study (FS) is scheduled for public release by the end of the year 2000. The FS will contain six remediation alternatives: 1) no action, 2-4) EPA alternatives with varying levels of action, 5) the State Plan, and 6) a plan from the mining industry. Following the public comment period EPA will evaluate the alternatives against nine criteria and develop a preferred alternative. The preferred alternative will be presented in a Proposed Plan.

Objective

The objective of this effort is to provide a process, for the greater community of the Coeur d'Alene River Basin to develop a consensus plan. The process will be lead by Idaho Department of Environmental Quality with involvement and support from the U.S. Environmental Protection Agency, The greater Basin community includes residents and property owners, Tribal and local governments, and State and Federal land management agencies. The six alternatives developed for the Feasibility Study will provide the building blocks for the community to develop the consensus plan. The vision for consensus is a remediation plan that considers the variations within the Basin and the linkage between upstream activities and downstream conditions. The consensus plan will provide a comprehensive remedy for protection of human health and environmental improvement that the diverse interests represented in the Basin agree is the best alternative for their community. Elements of the remediation alternatives that did not find consensus will be identified. The consensus plan will be presented to EPA for consideration as the preferred alternative is developed. If the consensus plan complies with the nine criteria required for Superfund remedy selection and is acceptable to all stakeholders, EPA and the State may elect to use the consensus alternative as all or part of their preferred alternative in the Proposed Plan.

Facilitation Process

The facilitation process will broadly consist of the following planning and implementation steps. The details of the process will be developed by the design group.

Step 1. Organize a design group. This small group will consist of a representative from each stakeholder group within the Basin including the EPA, States of Washington and Idaho, two Federal Land Management agencies, Coeur d'Alene Tribe, local government, four community groups in Idaho and Washington and industry. The design group will also include consulting expertise from a consulting firm in community processes. Participation in the design group is expected to require a significant commitment of time. The design group will guide the process throughout its duration.

Step 2. Design the process. Details of the facilitation process will be developed by the design group. The process will include assembling an issue framing group, organizing training for the framing group, organizing and hosting community input sessions and framing workshops, and facilitating the community deliberations. The framing group will be a cross-section of the greater Basin community including residents, property owners and community groups, Tribal and local governments, State and Federal land management agencies. The State environmental agencies and EPA will serve as resources to the framing group and ensure that the process is consistent with the previously identified constraints.

Step 3. Receive training on how to frame issues. Experts on community process will provide training to the framing group on how to identify, organize and present relevant facts, concerns, requirements, constraints, pros and cons, and connectivity among various remediation components and how to frame the issues for community deliberation.

Step 4. Host public comment sessions. Issues and concerns of stakeholders will be identified through facilitated public comment sessions.

Step 5. Frame the issues for community deliberation. The framing group will be guided by the consultants to assemble and organize the issues, concerns, facts, constraints, pros and cons, and connectivity that are identified. Specifically, information will include community and stakeholder concerns and regulatory requirements, and will be structured for community deliberations and conclusions. The framing will articulate the considerations that require tradeoffs such as the balance between capital costs and O&M and the pace and sequence of work.

Step 6. Prepare an issues book to guide the community deliberations. The issues book will present the "framed issues" along with supporting data, information and constraints. The issues book will provide the structure and outline for community workshops, discussions, and the deliberative process. The issues book will be prepared primarily by outside consultants.

Step 7. Host community workshops and build a consensus plan. Workshops in the form of public meetings and discussions will be held and focused on the issues that were previously identified and framed for deliberation. Efforts will be made to reach deep into the community for participation in the public deliberations. The focus and objective of the workshops will be to arrive at a consensus on the elements of a remediation plan. Outcomes of the workshops will be presented at a final summit to forge the community's consensus plan.

Step 8. Prepare a report on the consensus plan. A report summarizing the process and the consensus plan will be presented by the framing group to EPA for use in developing the preferred alternative.

This process will not replace EPA's community information dissemination process currently in place. The ongoing process will complement this consensus-building planning process by providing information and additional detail.

Proposed Schedule

The proposed schedule is driven by EPA's overall schedule to release a draft feasibility study by the end of year 2000 and develop their preferred alternative early in year 2001. The schedule has

been structured so it does not compete with the holiday season. A proposed schedule is outlined in the following table. If the organizational and administrative arrangements can not support this schedule the public workshops and community summit may be held in January, 2001.

Activity	Duration
Organize design team	August 7 - August 18
Plan process and assemble framing group	August 21- September 8
Conduct public input sessions	September 11- September 29
Training on framing process	September 14 - 16
Frame issues and prepare book	October 2 - October 27
Hold workshops and community summit	October 30 - November 17
Prepare summary report	November 17 - January 12

Estimated Costs

The estimated costs include all labor, travel and other direct costs for consultants and materials. Costs associated with the involvement of government agencies and stakeholders are not included in the projection.

Event/Activity	Cost, $
Organize and Process Design	$ 10,000
Public Comment Sessions	$ 5,000
Training	$5,000
Framing Issues Workshops	$10,000
Issues Book	$ 20,000
Community Workshops and Summit	$ 15,000
Summary Report	$5,000
TOTAL	$70,000

Stakeholders Identified for CdA Basin Consensus Process

Benawah County Commissioners
Building and Construction Trades Council
Coeur d'Alene Basin Restoration Project Citizens Advisory Commission
Coeur d'Alene Basin RI/FS Task Force Citizens Advisory Committee
Coeur d'Alene Tribe
Cities of Coeur d'Alene, Post Falls, Harrison, Mullan, Osburn, and Wallace
CLEAN - (Community Leaders for EPA Accountability Now)
Congressman Butch Otter
Environmental and Engineering Consultant Firms
Idaho Department of Environmental Quality
Idaho Department of Lands
Idaho Fish & Game
Kootenai County Commissioners
Kootenai Environmental Alliance
Lake Shore Property Owners Association
Landowners and interested citizens
Mining Industry
Panhandle Health District
Save Our Rivers Environment
Senator Clyde Boatwright
Senator Larry Craig
Senator Mike Crapo
Shoshone County Commissioners
Shoshone Natural Resources Coalition
Spokane County Commissioners
Spokane River Property Owners Association
Spokane Tribe
U.S. Bureau of Land Management
U.S. Environmental Protection Agency
U.S. Fish & Wildlife

Phone 509.838.4912 Fax 509.838.5155 Email tlc@landscouncil.org Website www.landscouncil.org
517 South Division Street
Spokane, WA 99202

December 12, 2000

Kathy Johnson
Coeur d'Alene Basin Coordinator
1005 McKinley Avenue
Kellogg, Idaho 83837

Dear Ms. Johnson,

On behalf of The Lands Council (TLC), I want to take this opportunity to thank you for your efforts with the Design Group and the "Consensus-Building Workshops". Those of us who live in this river watershed have a shared interest in seeing that the mining pollution is cleaned up.

Upon EPA's release of the clean-up plan for our watershed, scientific information will be provided to help the public make recommendations about the future clean-up of the human and natural communities of our watershed. A comprehensive clean-up will also be conducted within a framework of federal laws as well as state laws for both Idaho and Washington.

True consensus will require endorsement of a clean-up proposal by many individuals and institutions, including federal, state and tribal governments. However meritorious your consensus building effort may be in concept – in reality there are serious problems with this process such as:

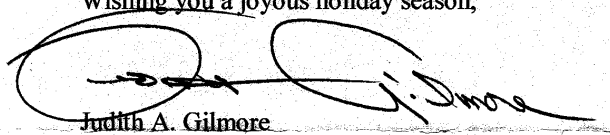
- it is being compressed into a narrow timeframe much of which falls within the traditional holiday season for many individuals;
- it does not recognize the very real time constraints of volunteer, working citizens in both states;
- it is also, we feel, an untimely and premature process when EPA's clean-up proposals have not yet been released to the general public for review, analysis and input.

The Lands Council has been an active participant in your process. ***However, at this time we believe that the public interest of our communities is best served by refocusing on the science, analysis and clean-up standards contained in EPA's soon-to-be-released draft clean-up plan.***

Therefore, with this letter we are formally notifying you that The Lands Council is **withdrawing from this process**. We further ask that our **name not be associated with any positions of, or statements by, your organization or participants.**

In closing, I would like to thank you for your efforts. Long-term solutions will require recognizing the scope of the pollution and for impacted citizens and officials to be able to engage in civil dialogue without fear of retaliation and verbal assaults. To the extent that your process encourages civil discourse and an end to EPA bashing in Idaho, we say "thank you".

Wishing you a joyous holiday season,



Judith A. Gilmore
Executive Director

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
4601 N. Monroe, Suite 202 • Spokane, Washington 99205-1295 • (509) 456-2926

September 12, 2000

Ms. Kathy Johnson
Coeur d' Alene Basin Coordinator
1005 McKinley Ave.
Kellogg, Idaho 83837

Dear Kathy and all *Design Group* Participants of the Consensus-Building Meeting:

Re: An Open Letter Concerning the Consensus Design Process

On behalf of the State of Washington I would like to begin by thanking you and your team for successfully assembling a diverse group of individuals last Thursday, the 7th, which we believe can help point us toward a new path of mutual understanding, openness, and consensus. The discussions tailored for initial gathering of the *design group* highlighted the many community, personal, historical, ecological, and economic commonalties that exist in the eastern Washington and Idaho Panhandle region. The meeting provided a much-needed forum to begin fully understanding mutual goals and values. The meeting also outlined and proposed a creative tool (i.e., the issues-based forum) to further obtain community views and comments that could aid in the selection and implementation of a cleanup strategy for the entire Spokane/Coeur d'Alene Basin.

In the spirit of this forum I would like to share a series of observations that emerged following reflection on components of the issues-oriented public participation process and the sequence of events outlined in the proposed schedule. This letter also introduces suggested enhancements to strengthen the process. We believe that an open evaluation of these observations will help assure that this issues-based process become a valuable source of community contribution that could assure and help guide final selection of cleanup remedies and implementation across the basin.

- First, we believe the design group and greater community need to clearly understand and appreciate that there are existing state and federal environmental laws and standards that will strongly influence the scope of the final cleanup.

- Second, at the state level, laws and standards may be different for actions taken in Washington relative to Idaho. There may be stricter standards for actions to be performed in Washington because of these differences.

- Third, in addition to economic and human health protection issues, there also exist legal mandates to protect the environment and natural resources. This includes ecological systems throughout the basin.

- Fourth, one central facet of the cleanup requirements for the basin are the mandates established by the federal Clean Water Act. This is exemplified by the total daily maximum load requirements (TMDLs) that exist both in Idaho and Washington.

- Fifth, the design group and greater community need to clearly understand the Idaho-sponsored issues-based public involvement process does not supercede or lessen the significance and importance of existing public participation forums that are already providing input to the federal cleanup process. Examples of these existing forums include: the Idaho and Washington Citizen Advisory Committees and the public comment opportunities to be provided for the remedial investigation report, feasibility study report, ecological risk assessment report, and federal record of decision. Drafts of all these documents are to be made available for public comment. Those comment opportunities will likely result in modifications to these important investigative and planning documents prior to becoming final.

- Sixth, many of the decisions on process and schedule that were made on the 7th occurred in the absence of several of the attendees who could not stay till the very end of the day. This leaves true consensus in doubt on the process now being proposed.

- Seventh, we believe it is very important for the greater community to recognize that, in addition to public sentiment, any true final consensus on cleanup in the basin will require the endorsement of federal, state, and tribal governments. These are the entities that bear the responsibility of ensuring that existing environmental laws are upheld and human health and the environment protected.

Based on the above observations the following are proposed enhancements to the current issues-based process that we believe will strengthen the outcome:

- The proposed public involvement process is, as of now, scheduled to be completed before all of the draft and final EPA documents are on the street for public review and comment. We believe the *design group* and general citizenry need to clearly understand the consequences of an accelerated timeline. Primarily, we want to ensure the public is fully informed prior to

voicing their collective opinions. The current schedule does not permit adequate time. One aspect of broadening available information for the public is to allow time for the review of information emerging from the remedial investigation and feasibility study (RI/FS) process now underway. Access to the RI/FS results will enhance the value of the *design group's* decision making and outcome as well as create a broader based buy-in of any issues-based recommendations. It helps assure that "everyone can see themselves in the choices they are asked to consider."

- We also are concerned that the aggressive schedule currently proposed attempts to compress too much of the public input process during the busy season of holidays in November and December.

- The development and framing of issues is very important. We sense that a framing of the issues may be best achieved by allowing the *design group* to identify and develop an initial list of key issues based upon all pertinent factors (i.e., governing laws, technical feasibility, etc.). This should occur before public meetings and would assist in defining realistic expectations of outcome. An initial preliminary development and unanimous acceptance of possible issues by the *design group*, prior to holding the initial public comment periods, would serve to focus the broader audience. It also would establish an initial level of consensus among the *design group*, which in fact reflects or represents many of the fundamental interest groups in the basin.

- One way to improve the validity of the issues framing process may be for the *design group* to develop a written survey. This survey would serve as a starting point for understanding greater community priorities. The survey would be conducted before public comment events and the results of the survey would aid the *design group* in developing an initial list of preliminary framing issues that would be introduced at public meetings.

In closing, the observations presented above, we believe, need to be highlighted throughout this public process to ensure the greater community is accurately informed and has realistic expectations of the outcome of this process and how it will contribute to final decision making and priority setting. While some of the overriding mandates may appear to pull at the established framework of the issues-based-process, it is important for the greater community to understand the other factors that will significantly influence the cleanup decisions.

We are heartened by the desire and devotion of many in the greater community to move forward and begin a process to build consensus across geopolitical lines. By addressing concerns such as those presented above, we believe an issues-oriented approach can become a valuable asset toward building a long-term cleanup approach that will achieve community goals as well as state and federal environmental obligations that exist to achieve long-term protection of citizens and their surrounding environments. Please forward this letter to those who participated in the *design group* meeting.

Please call if you have any questions. Also, Carol Bergin will be attending the meeting on the 14th. You can reach me at (509) 625-5182 or Carol Bergin at (509) 456-6360.

Sincerely,

John L. Roland
Toxics Cleanup Program

JLR:mg

cc: Bill Bidstrup, Washington DNR
Lloyd Brewer, City of Spokane
Tom Eaton, EPA WOO
Tom Fitzsimmons, Ecology
Flora Goldstein, Ecology
Tony Grover, Ecology
Carol Jolly, Governor G. Locke's Policy Office
Kate McCaslin, Spokane County
Rudy Peone, Spokane Tribe
Jim Wilson, WCAC
Mary Sue Wilson, AAG

Spokane Tribal Natural Resources
P.O. Box 100 • Wellpinit, WA 99040 • (509) 258 9042 • fax 258-9600

February 9, 2001

Kathy Johnson
Coeur d'Alene Basin Coordinator
1005 McKinley Avenue
Kellogg, Idaho 83837

Re: Spokane Tribe's Participation in Consensus Building Process

Dear Ms. Johnson:

To begin, I extend the Spokane Tribe of Indians' appreciation for being invited to participate in Idaho's Consensus Building Workshops, held to address Silver Valley mining contamination. Unfortunately, it appears to the Tribe that achieving the high goal of developing a consensus-based approach to cleaning up the vast contamination caused by a century of mining activities in the Silver Valley is impossible. This letter is to advise you and the other participants in the Consensus process that the Spokane Tribe will no longer be taking part.

As our representatives have made clear at the Consensus Building Workshops, our Tribe is deeply concerned with protecting the health of our Reservation's people and ecosystems. Our people once thrived the length of the Spokane River, from Lake Coeur d'Alene to the Columbia River. And while our Reservation is now but a small fraction of our ancestral lands, it serves as the permanent homeland for our people and for all future generations of the Spokane Indian Tribe. Our rich heritage is tied closely to the Rivers, and we continue today to be constantly drawn to the waters to feed our physical, spiritual and cultural needs. These uses differ greatly from the uses of others. We are not recreationists. We consume the waters as well as the fish, the plants, and the animals associated with those waters. We consume a wider variety of resources related to the Rivers, in greater quantities, and for more purposes. They are our food. They are our spiritual resources. And they are our medicines. When they are contaminated, our exposure to their poisons is consequently more intense and more pervasive.

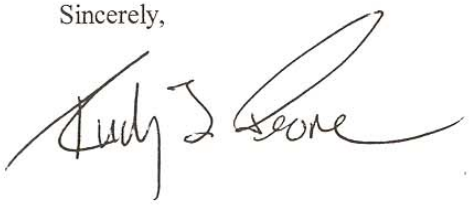
Our voice has not been heard in your Consensus process. Our need to know how our resources are affected and will be affected in the future by Silver Valley contamination has been belittled in the Consensus Building Workshops by those claiming we are too remote from the source to have valid concerns. Yet all we have asked is that the contamination and proposed remedial alternatives be studied enough to understand its effects on our people, considering the ways we

use our resources. And we sought to have those effects addressed if necessary for protecting our health. Participation in the Consensus Building Workshops by the Spokane Tribe, as a responsible government -- not a "stakeholder" -- was a good faith attempt to positively influence the outcome by providing technical support. All representations and statements by Spokane Tribal participants were made with the belief that our downstream concerns, raised in good faith, would be addressed in similar good faith. But it is now clear that our needs will not be meaningfully considered in your process.

For these reasons, the Spokane Tribe of Indians formally withdraws from your Consensus process. The Tribe cannot and does not agree to any remediation alternative that fails to look downstream to our Reservation. Accordingly, the Spokane Tribe will not be associated with either the Consensus process or any cleanup solutions derived in the Consensus Building Workshops, and should not be included in statements made or positions taken by the Consensus group or Workshop participants.

To conclude, we hope that our participation as a directly impacted government has in some way been positive, and we continue to hope that the large and serious problems associated with the Silver Valley's contamination are solved in a manner that is healthy for everyone.

Sincerely,



Rudy Peone
Director, Natural Resources Department, Spokane Tribe of Indians

Cc:
Alfred Peone, Chairman, Spokane Tribe of Indians
Shannon Work, Special Counsel, Spokane Tribe of Indians
Anna Knudson, Office of U.S. Senator Patty Murray
Phillip Cernera, NRDA Project Manager, Coeur d'Alene Tribe
Tony Grover, Regional Director, Washington Department of Ecology
Owen Clarke, Asst. Attorney General, Washington Attorney General's Office
Mary Anne McCurdy, Office of the Governor
Cheri Rodgers, Spokane City Council
M. Kate McCaslin, Spokane County Commissioner
John Roskelly, Spokane County Commissioner
Jim Wilson, Washington Citizen's Advisory Committee

				CONCERNS		IMPLEMENTATION			CLEANUP GOALS	
Removal	Treatment	Isolation	Institutional Controls	Unknowns	Priorities	Workforce	Management	Private Property	General	Human Health
G. Total removal to repositories	G. pH - reduce acidity of floodplain sediments	G,O,Y. Creation of safe oasis for recreating	O,Y,R. Signs/fences	R,O,Y. Determine environmental impacts of widespread dredging (I.e. excavation & disposal)	R,O,Y. Weigh cost vs. benefit to environmental need	R,O,Y. Local hiring & training & career development-& business opportunity development	R,O,Y,G, P. Local input & decision making inclusion with government entities	R,O,Y. Give private property owners advice & aid decision making inclusion	R. How clean is clean?	G,Y,R. Protect human health
Y, R, G. Removal - total/part	G,O,Y. Treatment to reduce bioavailability	G,O, Y. Regrading	P, R, O. Use "mother nature" and common sense (I.e. look to 20 yrs of 'natural' improvement	Y,R.O. Determine effect of leaving "inaccessible" tailings in place in urban areas & beneath transportation corridors	P, R,O,Y. Hotspots first	R,O,Y,B. Project labor agreement	B. Get public involved! We need their input of all ages, educate & explain, what do the locals think	R,O. Give private property owner right to refuse remediation	R, G, B. Protect traditional gathering areas	G,Y,R. Protection of hh @ beach areas in the floodplains
Y. Removals should be considered in lateral lakes	G. EPA bioavailability test is being scoped (design is beginning)	Y,G,O. Hydraulic isolation-gw cutoff walls with water treatment	R, O. New (clean) material being deposited approximately 3 inches since 1980	G. Need to control recontamination	R,O,Y. Prioritize by level of contamination & achievable in cleanup plans from removal to capping	B. Prevailing wages	R,O,Y. Develop consensus building, technical teams using local experts as well as agency experts	R,Y. Advise property owners of disclosure responsibilities	G. Tribes cultural resources	R,O. Issues involving human health in floodplains should consider actual time spent and real exposure scenarios-not assumptions or models
Y,O,R. Avoid total removal to massive repositories	R. What happened to EPA bioavailability test (TCLP) for metals (tests what is acid availability)		0. Land use restrictions	R, Y. Consider recontamination-timing?	R,O. Determine common sense solutions first	Y,O,R. Do right by workers	Y,R,O. Process that the public can participate in regarding each wetland decision	B,R. No eminent domain authority, private property rights?	B. Bioavailability concerns	G. Recreating floodplain
R,O. Mere presence of metal does not justify removal of sediments	O. Passive treatment vs. removal=better long-term effect		B. Why should we accept sacrificing parts pf the lower Basin and be told to not use it. This is yet another cost of managing the pollution in place	R, O. Removal disturbances can affect the aesthetics of the lake and scare public	O. Priority for water poato areas, focus on "hot spots"	B. Good quality control & proper training of laborers		B,R. Need co-op agreements with affected land owner/managers	R,O. Difference between total Pb and bioavailable	B. Future use of floodplains will more than likely increase human use and therefore cleanup must be comprehensive and address more than a few hot spots
Y,R,O, P. Metals best left undisturbed on cda lake bottom	O. Use wetlands as a way to remove or reduce metals in the water which limits long-term costs to communities			Y. Concern about in-situ treatment causing nutrient pollution	R,Y. Weigh cost vs. benefit with health needs	B. Work conducted on or near reservation should comply with tribal employment rights ordinance (TERO)		O. State ownership of the majority of the flood plain	R, P. Lead natural or man made	B. Floodplains should be cleaned-up for unrestricted land use by the most sensitive human population
B. Utilize/consider combination of removals, treatments, cappin, and stabilization based on site specification	B. Need for soil health (I.e. nutrients) to control nutrient pollution by soil erosion			R. Spend money to determine impacts from massive dredging before/instead of dredging	R,Y. Best bang for buck	B. Very expensive solutions are good for jobs		G. Land issues claim-river corridor to cataldo	G. Healthy diverse riparian vegetation	O. What's your point? Any evidence of actual site specify harm?
	G, O. Treatment of soils to adjust pH			R, O. Maintain existing habitat conditions in cleanup process overall -low impact options	Y, G. Wildlife heath & gathering areas/priority locations: Thompson lake, swan lake strobl marsh	B. Treating large quantities of water for long periods is good for jobs		R. Who are the landowners along waterways	B. What is the pre-mining (pre-release) background?	
	R,O. Introduce bio-uptake - plantings specific plants know to absorb contaminants			Y. What percentage of load comes from floodplain into river	P. Prioritize cleanup based on probability of future transport of hevy metals and potential for hh and wildlife impacts	B. Removals remove uncertainties & is good for jobs			G. Risk assessment (eco& hh?) points toward background	
	Y, R, G. Bio-uptake plantings not known to be effective for protection of human health			R,G,Y. Need to understand results of cleanup in specific areas		R,O. Maintain viable industry & economic base			R,O. Futile goals	
	R, O. InSitu capping and bio-remediation			Y, R. Long-term effectiveness monitoring					R,O. Futile to guarantee health	
	Pr. Phosphates			O. Current plant & animal life in lower cda river system is in good health and should not be disturbed or threatened from clean up work					R,O. Give weighted consideration to high metals loading due to mother nature pre-mining	
				O. Partial and/or total removal is unrealistic and unaffordable					Y,G,R. Widespread injury& adverse health impacts in l.cda river system cleanup essential to reduce these impacts	
				Y,O. Identify areas for large sale repositories & compare impacts					R,O. Fishing and hunting done informally by large numbers	
									Y. Provide safe access for public recreation	
									G. Social and regulatory acceptance of loss of wetlands	
									B. There should be no restrictions on the land use after the restoration of the basin has been completed	
									O. Increase wetlands	
									R, O. Removal levels should be based on local conditions not federal standards	
									B. Unrestricted land use is a futile goal	

Wildlife
G,Y,R. Wildlife susceptibility to lead
B. Protect & restore habitat
O,G, Y. Consider bird populations as a whole. Do not consider impacts on an individual basis, I.e. (one bird at a time)
G. Adverse impacts @ >500 ppm waterfowl mortality @ >1800 ppm (with current bio information
O. Evaluate exposure and its impact on individual basis
G. Wildlife impact information in lower cda is based largely on site-specific data
B. Determination of wildlife/aquatic injury must take into consideration impacts from all sources-societal-governmental agencies
O. Mere presence of metal in wildlife/aquatic life doesn't mean actual harm exists.
R,O. Metals bio dilute in wildlife not bioaccumulate. Predators raptors show no affects
R,O. Wildlife health related to feeding habits
O. Design remedies to enhance & diversify habitat
G. What are impacts to individual animals. What are risks to wildlife if clean up does not go to back ground levels
G.Y. Over 90% of wetlands exceed 1800 ppm lead (adverse impacts/death of waterfowl occurs @ >1800 ppm Pb)
G. Federal regulations provide protection of migratory birds and T & E species at individual level
G. Evaluate migratory birds & t&e species at individual level as per federal statutes
G. Restored or created habitat needs to be uncontaminated

REFERENCE:

COEUR D'ALENE TRIBE

850 A STREET
P.O. BOX 408
PLUMMER, IDAHO 83851
(208) 686-1800 • Fax (208) 686-1182

MEMORANDUM

DATE: October 4, 2000

TO: Consensus Building Group

FROM: Phillip Cernera, Coeur d' Alene Tribe

SUBJECT: Tribal Comments Related to the State of Idaho's Development of a Consensus Cleanup/Restoration Plan for the Coeur d'Alene Basin.

As you are aware the Coeur d'Alene Tribe has actively been involved in restoration planning for the Coeur d' Alene Basin for many years. Over the last year the State of Idaho has also taken an active role in the development of a "strawman" clean up plan. It is the Tribes' understanding that the State currently wishes to use their "strawman" plan as the basis in which to seek stakeholder input to ultimately develop a consensus plan which could then be considered by EPA as their preferred alternative in the ongoing basin wide EPA RI/FS process. The Tribe appreciates the State's commitment to consensus building and is committed to continue to provide our technical support.

In an effort to provide the State with specific input the Tribe has already provided you with a breakdown of our proposed specific restoration techniques and areas of concerns. We have also provided you with similar breakdowns for the currently proposed EPA alternatives. We hope this information is used to specifically address those areas that the State has currently omitted from their "strawman" plan. In an effort to summarize the Tribes concerns with the current State plan and to provide a clear articulation of the Tribes restoration tenants please see the following comments:

1) The State Plan: The Tribe believes that the State Plan is a basis in which to seek technical resolution. We appreciate all the hard work that went into its' development. We believe that much of the current differences between the NRDA Trustees plan and the States plan are found in two major categories; a) several source areas in the upper basin have not been addressed in the State plan and 2) the State plan does not adequately address the human health and ecological concerns in the lower CDA River/Lateral Lakes area.

2) Long term protectiveness: The Tribe has always looked for permanent restoration solutions (make decisions today keeping in mind the 7th generation). Our belief is that we do not want to develop a clean up plan which emphasizes leaving the pollution in place and dealing with it by institutional controls. Restoration options must eliminate the risk rather than manage the risk in place.

3) Natural Recovery: All of the data reviewed by the Tribe and federal trustees show no indication of natural recovery (both water and sediments are still greatly contaminated and the only reductions in pollution loads (and subsequent biotic response, have occurred due to human intervention and not natural recovery). We agree that we need to use natural processes in conducting restoration, however, the floodplains and wetlands throughout the lower basin continue to be highly contaminated and therefore, must be actively restored.

4) Develop a plan based on science: The Tribe does not support developing a clean up plan just because it may be "politically sellable". It is our understanding that a restoration plan should be exactly that, a plan which restores the basin to those conditions that would exist, absent the release of hazardous substances. Politics can ultimately shape the outcome of any proposal, but we believe it is in the best interest for all of us to develop a plan that addresses the ecological and human health problems with engineering solutions. It is only after a comprehensive plan is developed will people truly understand the true cost of restoration, and the risks associated with leaving the pollution in place.

5) Protection of Human Health: The Tribe believes that the Lower Coeur d'Alene Basin is and will become even more of a residential and recreation destination area. This is also an area of great cultural significance for the Tribe. As such, we believe that this area must be protective of these uses. It will not be adequate to merely post beaches as unsafe or to only focus on "hot spots". The majority of the flood plain exceeds federal human health standards as well as ecological standards. The entire "path of the pollution" or "trail of tailings" is one big "hot spot". It is our responsibility to provide the local residents, including the tribe, as well as tourists with an environment which is free of risk from hazardous substances.

6) Protection of the Lake: Our Objectives are to protect the ecology , cultural and recreational uses of the Lake. To meet these objective we have set a goal of meeting federal water quality criteria (meet load allocations outlined in the TMDL), and active implementation of the CDA Lake Management Plan. Efforts to reduce metals loads from the CDA River and nutrient loadings from other areas surrounding the lake should occur concurrently.

7) Safe Healthy Habitat: The Tribes objectives include: no waterfowl injury or deaths from heavy metals, allow for safe tribal harvest of water potato, good trout habitat, and water that is protective of aquatic life. To meet these objective we believe it is necessary conduct the following: 1.) remediation of sediments exceeding thresholds which have been documented to be adverse to waterfowl in the lower CDA River flood plain and 2.) remediation of riparian areas in the SFCDR to reestablish healthy, diverse vegetative communities. Remediation in the LCDR areas should be prioritized to cleanup the highest waterfowl use areas first, with a focus on restoration of healthy water potato beds. Remediation of riparian areas in the SFCDR should be phased to follow remediation of source areas (see below) in individual watersheds.

8) Provide Clean Water; The Tribes objective include: water clean enough to support 1.) recreational uses, 2.) bull trout and cutthroat trout spawning and rearing, and 3.) a healthy aquatic community. Meet these objective by: Remediation of all source areas in SFCDR and lower CDAR watershed that currently contribute to (or have the potential to contribute to) increases in

cadmium, lead, and zinc concentrations with the goal of meeting CWA water quality standards for aquatic life. This includes remediation (treatment, control, or removal) of:

tailings piles and impoundments
mine waste rock
adit drainage
flood plain tailings
river channel sediments

Remediation of these areas should be prioritized to cleanup the largest metal loading sources first, working from upstream to downstream in individual tributaries.

9) Restoration Criteria: To meet the objectives outlined above the Tribe believes these criteria are applicable; 1) eliminate adverse effects on waterfowl by lead in sediments by identifying and remediating all available waterfowl habitat above 500 ppm lead. Since mortality in birds is known to occur at levels above 1800 ppm lead, these areas should be remediated as a high priority, 2) eliminate risk to humans (address flood plain and sediment levels which exceed EPA guidelines for short term recreational exposure, as well as residential, and subsistence uses (approximately 1000 ppm lead), and 3) federal water quality criteria for the protection of cold water biota.

The Tribe realizes that it is the common interest of both the State of Idaho and the Tribe to reach agreement on a restoration plan. We hope that this information outlines the Tribe's general views on restoration of the Coeur d'Alene Basin. The Tribe has spent a great deal of time and effort deciding what specifically must be done to implement these general restoration tenants. The Tribe remains willing to use its technical expertise and work with the State to develop a plan which meets these restoration tenants. We recognize that there is no easy fix, however, we are committed to addressing the problem. If the State should have any questions related to this information please feel free to contact me at (208)-667-4119, at your convenience.

Thank you,

cc: Alfred Nomee
Ray Givens
Chairman Stensgar

Kootenai Environmental Alliance

P.O. Box 1598 Coeur d'Alene, ID 83816-1598

Matrix Consulting Group
P.O. Box 803
Kellogg, ID 83837

October 21, 2000

The following comments and concerns are in response to the questions about environmental cleanup in the Coeur d'Alene River Basin.

1. Our interpretation of the CDA River Basin is that the Little North Fork (LNF) and the North Fork (NF) Coeur d'Alene River Systems are included within the boundaries of the River Basin.
2. The September 1994 document that was produced by the USDA Soil Conservation Service in cooperation with the USFS, "Coeur d'Alene River Cooperative River Basin Study", listed the size of the river basin as approximately 934,480 acres, page iv of the document. If the environmental cleanup is intended strictly for the South Fork of the Coeur d'Alene River, this information should be indicated in future notices by the Matrix Consulting Group or Idaho DEQ.
3. Regarding the present environmental conditions in the Coeur d'Alene Basin, the document cited above lists a number of issues, including flooding, sediment delivery problems, bedload movement problems, and negative impacts to fisheries and fisheries habitat. These problems still exist in the River Basin.
4. Concerning benefits that would occur with environmental cleanup of the River Basin, there would be improved fisheries and fisheries habitat in the LNF and NF River Systems. An increase in Westslope Cutthroat trout fisheries would be a benefit for the sportsmen who fish in the streams and creeks in the LNF and NF River System. Continued cleanup of the South Fork of the CDA River would help to increase fisheries populations in the South Fork.
5. Concerning priorities for cleanup in the Basin, the impacts to the watersheds from past and current activities in the LNF and NF River Systems need to be included when environmental cleanup plans are being considered for the River Basin. Impacts to the Coeur d'Alene River area below Cataldo from flooding events and the causes of the flooding, including increased peak flows also need to examined when considering priority areas for cleanup.
6. The requirements of the Clean Water Act need to be included when considering cleanup programs in the River Basin. The goal of the Act is to restore and maintain the chemical, physical, and biological integrity of the Nation's Waters. The biological integrity of a number of the streams and creeks in the watersheds in the River Basin has been degraded. Cleanup programs in the damaged watersheds are necessary if there is going to be a restoration of the biological integrity of streams and creeks in the River Basin to meet the requirements of the Clean Water Act.

Sincerely,

Mike Mihelich

Mike Mihelich Forestry and Water Committee

Coeur d'Alene Consensus Building Issues Framing Document
Questions, Comments, Additions submitted by Rog and Toni Hardy
January 14, 2001

Table 1: Issues Identified for Coeur d'Alene Basin:

1. Arsenic must be included as an environmental concern in the Basin. Adjacent landowners have verified levels over 250 ppm in shoreline areas above and below Harrison which will not be remediated.
2. "Primary Sources" listed in Table 1 do not include UPRR ore concentrate spillage in Lake CdA and on Reservation lands. Why this omission?

Table 2, Zinc in the Water, Summary Statements:

1. Under "Concerns and Solutions," section 2.2 lists unknown considerations within the overall Basin plan. It is imperative that these be considered and understood before the permanent trail cap/solution is in place, making any later consideration or remediation more expensive or impossible.
2. Under "Implementation of a Remedial Program," 3.3: "Property (public and private) owners must be protected and respected; involved in decisions and options development, no eminent domain." This vital assertion was NOT a part of the proposed trail solution, particularly when adjacent landowners in many cases hold silent patents (no mention of the railroad ROW that was LEASED to Union Pacific for railroad purposes only) that attest to their ownership of the ROW. This overlooked fact, particularly in a property-rights state like Idaho where the ROW land would automatically revert back to the adjacent landowners upon abandonment by the railroad, is a serious omission. If this issue is important enough to include in the Basin plan for all parts of the Basin, it certainly is important enough to include when considering the ROW.
3. Under "General Cleanup Goals, 4.1:" Add: Insure open, honest, equal access to all information (which keeps changing) to all stakeholders and citizens.

Table 3, Lead in the Water Summary Statements:

1. Under "Range of Solutions:" First, a stabilized bank means more contamination, already in the river, might reach lake CdA. (1.2)
2. 1.2-1.5: Since the trail, for many miles, FORMS the bank, it would interfere with any bank stabilization efforts.
3. Under "Concerns About Solutions:" Add to Unknowns: Adequate testing, including IN the lake. Add to Unknowns: How the proposed trail affects sediment movement in piece-meal and comprehensive bank stabilization.
4. Under "Implementation of a Remedial Program," 3.1: If the Basin workforce must include local hires and private land owners, this must also be the case (which it is NOT) with the trail.
5. Under "Cleanup Goals," 4.1: If the "decisions of local residents" and the "damage to local communities" must be considered within the Basin, it is egregious that they have been ignored or manipulated with adjacent landowners affected by the trail solution.

Table 4: Summary Statements Lead Impacts: Contaminated Floodplains along CdA River: Lake CdA, the CdA River mouth, and the UPRR railbed must be considered in the Basin plan.

1. Under 1.4, Letting "Mother Nature do the work" must be an option for the healing of OUR land at Shingle and O'Gara Bays, just as proposed in the Basin plan, since the trail solution (which traps the contaminants mentioned in 1.2) with inadequate culverts is an ecologically unsound response.
2. Under "Concerns and Solutions," 2.1: More lake sample data must be a priority before the proposed trail makes this aspect of the cleanup difficult, impossible, or too costly.
3. Under 2.2, , "controlling recontamination:" The proposed trail encourages recontamination of the ROW because the Dept. of Parks and Recreation reneged on the promised retention of the dikes, which has been removed from the plan.
4. Under "Implementation of a Remedial Program," 3.2: If the Basin plan must insure "management should include locals and involve the public inclusive of all stakeholders," it is offensive that this has not happened with the proposed trail.
5. Under "Cleanup Goals," 4.1: What does "unrestricted land use for safe recreation" mean? The Basin plan endorses "cultural/tribal protection," yet no protection was offered for adjacent landowners (on and off of the Reservation) with nearly 100 years of land ownership. What does "provide uncontaminated habitat" mean, especially in unremediated areas along the ROW? What is a wetland, and does it include the stagnant sloughs created by Union Pacific from what was originally open lake? These serious question have not been addressed in the ROW plan, particularly as they relate to private land.

Table 5: Summary Statements, Children's Exposure to Lead: Contaminated Soils and Dust in Communities: Dumping rinsate (tested as "clean" by the PRP, Union Pacific, without making public the figures or the testing information) on top of the bladed-off, but still contaminated ROW is not an effective method of "dust control," but is, rather, adding contaminants to an already polluted area.

1. Under 1.3, We wonder if there are "local physicians" willing or able to come to the region to educate.
2. Under 1.4, If an "institutional control should enhance economic sustainability of communities" it becomes questionable whether signs warning of contaminants will be forthright or honest enough to warn the public.
3. Under 2.1, There have already been "unilateral administrative orders" issued by the parties to the Consent Decree regarding the proposed trail, and these affect adversely the adjacent ROW landowners.
4. Under 2.4: If there must be a "collaborative approach to determine cleanup priorities of recreation areas" in the Basin, this decidedly did not happen with non-recreation areas which have been made into recreation areas (trail) by a non-collaborative approach. This is an apparent double-standard in the Basin cleanup.
5. Under 3.3, To say that "private property transactions not to be hampered by cleanup allowing for normal use and protection from eminent domain," when this WAS NOT EVEN CONSIDERED before the proposed trail plan is, at best, a double standard within Basin policy.
6. Under 4.1, Clearly, the "need to evaluate exposure scenarios and consider tribal subsistence, future populations, and EPA statutory mandates" must be done BEFORE putting into place permanent (like the trail) "solutions."

2.1, Points of Common Ground: Within the Basin plan, there is "agreement that management of the remediation implement an iterative design process that reflects 'learning from experience' with local input," yet this was all but IGNORED in the rush to get the trail in. Further, the "potential secondary effects and disruptions (environmental and socio-economic) from remedial actions" includes the possibility of future lawsuits, and none of these was considered with the trail plans. And, the "practical considerations such as accessibility, dust and haul-traffic, as well as the need to prevent recontamination" was not considered OPENLY, HONESTLY, AND WITH STAKEHOLDER PARTICIPATION before the trail implementation. Rather, the ROW plans, part of the Basin, are filled with secrecy. Adjacent ROW landowners have documented years of exclusion from Basin processes. The ROW plan undergoes constant change, and stakeholders are not made aware of these revisions. Further, "the need to maintain access and areas for recreation" is identified as a "concern" (as well as the repeated emphasis on "not losing recreation area") when the emphasis should be on cleanup, not recreation.

2.2, Points of Divergent Opinion: It needs to be added that the differences in opinion about "appropriate remedial action" are driven not only by "different beliefs (in the absence of technical certainty) about the effectiveness of remedial actions," but also by lack of trust in the integrity of the Governments and agencies involved with the cleanup. These "affective" issues are entirely overlooked or excluded from consideration in the Basin cleanup plans, and until they are fully acknowledged and dealt with, there cannot be "healing" or "reconciliation" or true consensus building. Voices of ROW adjacent landowners have been ignored, discounted, twisted, excluded by local press and authorities "in charge" or the cleanup. Recreation has been placed ahead of cleanup.

3.0, Range of Alternatives and Tradeoffs: To say that "the alternative with maximum effort relied predominately on removal of recreational soil, tailings/waste rock, beds and banks and floodplains that exceed cleanup levels" is, at best, an extremely misleading statement. In reality, the recreational removals done for the proposed trail are minimal, and, when completed, will not reach the state's goal of 700 ppm lead. The 10-foot wide strip of asphalt will COVER contaminants for most of the trail, and the testing barriers negotiated by Union Pacific on the Reservation do not allow the needed comprehensive cleanup of railroad contaminants. The minimal action along the trail includes ineffective institutional controls such as signs, already shown repeatedly to be ignored by the public. In short, the problems with the proposed trail are numerous and ill-defined in a number of verbose, double-talking, contradictory documents. The trail is a part of Basin cleanups (and, Basin politics!) and once it is in place, future remediation and cleanup will be difficult or even impossible. Lawsuits seem inevitable.

C.A.R.T. CONSENSUS SUMMIT STATEMENT
Submitted January 24, 2001

Although we acknowledge the importance of "common ground" solutions, CART chooses not to participate in the Consensus Process Summit, to be held in February. CART chooses, instead, to focus our energies upon insuring that our legitimate concerns and issues are acknowledged and addressed. We continue to believe that the Basin plan is fatally flawed in that it relies upon the rigid (but unacknowledged) existence of the proposed 72-mile Mullan-Plummer solution. We continue to believe that once in place, this trail will seriously inhibit or make impossible the kinds of flexibility and accountability needed to address complex Basin cleanup issues. We continue to protest our exclusion from previous processes, and we continue to protest the apparent double-standards related to cleanup issues and to land ownership. We continue to feel overpowered by the many political agendas which appear to permeate, pervade, and surround responsible environmental cleanup. We continue to believe that Union Pacific, a named PRP, has negotiated a deal with the Governments without considering the valid rights and concerns of adjacent ROW landowners. Our concerns can be summarized in a few lines from a January 9, 1996 letter from Union Pacific lawyer Thomas Greenland to the U.S. Department of Justice, Environmental and Natural Resources Division:

> **"The right-of-way will be an essential component of any Basin-wide environmental initiative and because of the significance of the RROW as a (sic) hydraulic barrier between the river and adjacent lands and habitats at key points in the Basin and as an essential access route to much of the river channel." Further, "Construction of a pedestrian/bicycle trail from Plummer to Mullan, as proposed, is not only an effective means of addressing any concerns regarding residual contamination along the right-of-way, but will also be essential to the success of any Basin-wide environmental restoration initiative." Additionally, "Reversion of the ROW to private claimants would severely interfere with the effective implementation of any Basin-wide efforts, because of the enormous complexity of dealing separately with reversionary interest holders and claimants. " And finally, "At remediation sites that have been completed to date in selected areas of the Basin, access to the work area via the RROW and incorporation of portions of the RROW into the remediation plan have been essential to the viability and success of the projects."**

CART objects strenuously to the complete lack of consideration for our rights put forth in this apparent behind-the-scenes letter which led to the Consent Decree with the Governments. CART notes, also, the interesting coincidence between our being cut from the communication loop and this January, 1996 letter. Our trust as citizens has been violated. There cannot be true common ground upon which to base consensus until our rights as citizens have been acknowledged and respected.

C.A.R.T. REPLY TO SUMMIT PALN
Submitted January 30, 2001

CART has read the final draft of the State Consensus Plan, to be presented at the upcoming mid-February Summits. After careful consideration of the plan, CART concludes that the finalized State plan only brings up more questions. CART concludes that it is unconscionable to proceed until these questions are answered. CART notes again the very real possibility that taxpayer dollars will be needed to pay for unaddressed Basin issues. CART notes again, the possibility for lawsuits in the future seems unavoidable, since basic concerns remain unacknowledged.

First, CART thanks the Consensus group for "recognizing that many other issues and areas will require difficult decisions and may warrant a process for consensus building." CART members wonder, how does this statement relate to decisions that *have already been made* (regarding cleanup issues and property rights) that were never acknowledged or addressed?

CART notes that the Basin Plan states that "managing (O and M) issues will require a good working relationship among all of the Stakeholders and that a collaborative, open, and inclusive implementation structure will foster necessary cooperation." CART members wonder, how can this implementation be created when a major Stakeholder, CART, has been systematically excluded from planning process for many years?

CART notes and applauds the emphasis upon utilizing "local workforce in the Basin cleanup," but CART members still wonder, why was this not an important issue with the Union Pacific right-of-way cleanup plan?

The Basin Plan includes a section of "expressed concerns." One stated concern is "Unknowns in effectiveness of remedial actions to achieve goals." CART members share this concern, deeply, and we wonder, how can the Basin plan proceed when the *unknowns multiply exponentially* because (as stated in the State Plan): "topics that were not in the Basin Feasibility Study and therefore not part of this Consensus process, such as the 'Box,' Coeur d'Alene Lake, Spokane River, UPRR right-of-way, and Superfund Designation" are *not included or considered* in the State Plan.

Another "expressed concern" in the State Plan is "Secondary effects and disruptions (environmental and socio-economic) from remedial actions." CART members share this concern. We are very worried about the edge effects to wildlife habitat from the proposed trail. CART estimates that 90% of the 10-foot strip of asphalt impinges on elk, deer, water fowl, bear, moose, cougar, beaver habitat, to name a few. CART thinks the imposition of "institutional controls" such as fences, signage, pit toilets, benches, trash receptacles will seriously change the usual, established access and forage habits of area wildlife. CART notes the increasing attacks on humans by wildlife (cougars, for example) in edge-effect areas. And since many CART members own posted No Hunting/No Trespassing land in order to protect and conserve wildlife and habitat, we have grave concerns about how the proposed trail will change irrevocably our undeveloped land by opening it to humans who would

not ordinarily come there. In addition, CART notes that low cleanup standards along sections of the right-of-way not considered "family recreational areas" disqualifies privately owned land from inclusion in wetland conservation and other wildlife conservancy projects. In short, CART has for years expressed concerns about "secondary effects which are environmental and socio-economic." The double-standards inherent in the Basin Plan are obvious and unfair.

The State Plan states a concern that "property rights are respected; no eminent domain." CART notes that none of the parties involved with the Basin Consensus Plan protested the usurpation of adjacent landowner property, through the "fiction" of railbanking, inherent in the proposed Mullan-Plummer trail. CART wonders, why is eminent domain (Idaho Department of Parks and Recreation participation in the trail plan) allowed, even encouraged, and why were not our property rights respected? This double standard makes the Basin Plan unacceptable and exclusionary.

The State Plan addresses "remedial activities within the 'common ground' range," and their relationship to surrounding communities. One stated objective of these remedial activities is "the remedy will not strangle communities with long-term institutional controls." CART members note that the proposed trail solution is absolutely in contradiction to that objective. The trail solution relies heavily upon posted signs warning of contamination, fencing, designated viewing areas, other clearly long-term institutional controls. These controls, which are considered a "minimum response action" by the State are, further, the basis of the right-of-way cleanup even on the Reservation where there is (allegedly) "complete removal of all contaminants."

In conclusion, CART notes that "7 days of workshops (some half-days) over a six-month period, September through February," is not a great amount of time to spend on Consensus building. CART notes (as stated by other Stakeholders) that these meetings were difficult for working participants to attend, and were held during the holiday season. CART also notes that many regular attendees to the Consensus process are apparently "pro-trail" factions, as evidenced by their early endorsement (1992-1998) of the proposed Mullan-Plummer plan. And finally, CART members are very sensitive to the many double standards inherent within the Basin Plan, and we continue to think and feel that our legitimate concerns and issues are ignored.

SOURCES			EPA FS CRITERIA	GENERAL REMEDIATION	SUPERFUND CONCERNS	SOCIAL EFFECTS	LAKE	EXTRA
Primary	Secondary	Source Effects/Impacts						
Past quality of clean up in the box	Contaminated groundwater	Water quality	E.P.A: Information to be put into "F.S." Feasibility Study	Range of possibilities of risk is great	Stygma "Property Values"	Infra-structure	What about contaminat release from the bottome of the lake?	Off the earth-glad, they are not exaggerated risk
Non-industrial sources	Recontamination	Human exposure	Preferred alternative has not been established	Lead erosion is greater problem in lower system and zinc is bigger problem in upper basin	National Regional Reputation Protection	Prevailing wage	This is an al a carte menu	To look at all would think people are dropping
Lead shot a source of lead	House dust	Fish health	Criteria: 1-2 threshold (TC), 3-7 balancing (BC), 8-9 modifying (MC)	Lead erosion greater problem than zinc	Superfund designation is not necessary for clean up	Long-term economic stability of the area	How much Pb & Zn will be released as from tailings/SEDS in the bottom of the lake	Get input from Mars inhabitants
Active mine & mill sites	Spokane river beach contaminant	Wildlife habitat	TC 1) Protection of human health & environment. Level of risk	Do we really understand contamiant transpost & fate?	Superfund designation is moot point in CDA basin	Risk assessment	Use flexible membrane liners to cover hotsopts in lake CDA	Relocate population to another planet
Lead paint	Nutrient loading	Waterfowl mortality & wildlife health	TC 2) Compliance with regs. Specific waivers	What is the nature & extent of contamination?	Stigma	Mining viability		
	Lateral lakes	Blood leads	BC 3) Implementability	Do we understand contaminant fate & transport within the CDARB	Real property disclosrue laws exist	Liability		
	Cda lake bottom	Physical hazards of mine/mill sites	BC, 4) Short term effectiveness	Need to understand contaminant transport & fate as well as the nature & extent of contamination	Addressig public fear and re-percussions	Local hire		
	Cda river beach contamination		BC 5) Long term/permanenece effectiveness	capital costs vs. O & M	No superfund designation	Working conditions & benefits		
	Sewer system in-flo		BC 6) Cost comparison of cost of alternatives	Problems in Basin: Source areas, geographic		Project labor agreement		
			BC 7) Reducing toxicity, statutory pref, mobility on volulme, through treatment			Long-term community input--re: implementation		
			MC 8) States,tribes,two support NRTS			Private property rights		
			MC 9) Community support			Acess for future land use		
						Stigma		
						Tribal cultural impacts		
						Process does not necessarily end tomorrow		
						Take issue to the public as they are framed		
						Simplify…Simplify...Simplify		
						People who are impacted--some kind of oversight/input into decisions		
						Mixture of control--federal/tribal/state/local appropriate oversight authority		
						Is there something in the middle?		
						European cultural impacts		
						Input from community can affect decisions		

Workshop Notes – January 16, 2001

After a discussion establishing the goal of the day to be defining a range of remediation activity for each of the four issues, tailings, riverbanks and bed, floodplains and communities, the large group of about 35 people divided into 3 groups. The makeup of the groups were self selected with the suggestion to attempt to have a representation from the community, business & industry, environmental groups and government agency. The small group discussions recorded on flip chart papers are transcribed below.

Group A

Maximum Effort

- Can be achieved
- Must include community – go back 12 years
- Can't be achieved to EPA background especially in floodplain
- Not enough money to take care of contamination in water – so much is natural
- Work with landowners – must insure commerce and access
- Must include Lake
- Must be consistent in property rights – no selective enforcement
- Don't want imminent domain
- Where will clean backfill come from to make land useable?
- Disposal location – where?
- Need no double standards on wetlands for Ag vs. other
- Wont' dig up I-90
- Don't need total removal if tails are out of water and protected against erosion and human exposure
- Would need complete sharing of info – Don't know what would be required in area south of Lake
- O&M would be focused on repositories; areas with total removal wouldn't require an O&M
- Would have to be government money (taxpayers); mines don't have money; state, county, local property owners don't have money
- UPRR could pay more
- Disruption of total removal would cause more damage than benefit – flood dangers to exposed areas
- How could lake to protected and do these max removals
- Use treatment to address inaccessible tailings

Mid Range – Effort

- Don't put trail in until other removal actions are considered
- Key is moderation –its doable – others (min & max) are not
- Worst spots and take max effort first then start addressing lower priority effort
- Stop double standards, need open info (in cleanup standards between UPRR & farmland)
- ROW given back to landowners clean
- There is technology that has been used by landowners
- Can't set standards that are unattainable
- We want cleanup for people living here; second is for those coming here
- Public will is not there for max effort, but demands something
- Opportunity for economic development and jobs for local good labor practice
- Min effort could accomplish max effort and some areas where max effort could accomplish min
- Measure against public health and commerce

Minimum Effort

- Needs to be enough to support commerce – clean enough for people to want to buy, sell and live – kids are especially important
- Can't meet goal for rec areas
- Goals keep changing
- Extensive management – Institutional Controls
  - Cost to manage
  - Intrusion on private property use
- Measuring blood leads would continue
- Bureaucrats forever
- More left behind, more Big Brother
- Min removal results in max efforts in ICs
- Precludes other more removal based options
- Need to max public education about what can be accomplished without removal
- Public education is part of all of these

Group B

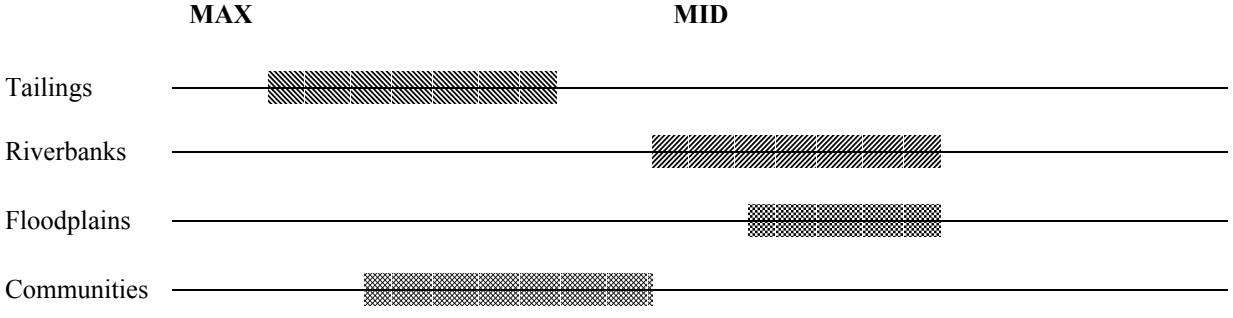
Minimal Future O& M and /or Institutional Controls

- Tailings: Piles on surface, total removal of accessible piles to capping; restoration can occur after removals
- Riverbanks: Needs more study; minimize excavation
- Floodplains: Very selective with actions regarding wildlife and vegetation impacts
- Communities: Impact from removal operations needs to be minimized; community standards; community desire; time critical

Priorities

- Internal and external communication is **critical** - private owners, agencies, workforce, community leaders
- Private property rights **must** be respected
- Procedural process in place for citizens to get answers
- Entities to respond to on-the-ground issues

Summary Chart for Group B



Group C

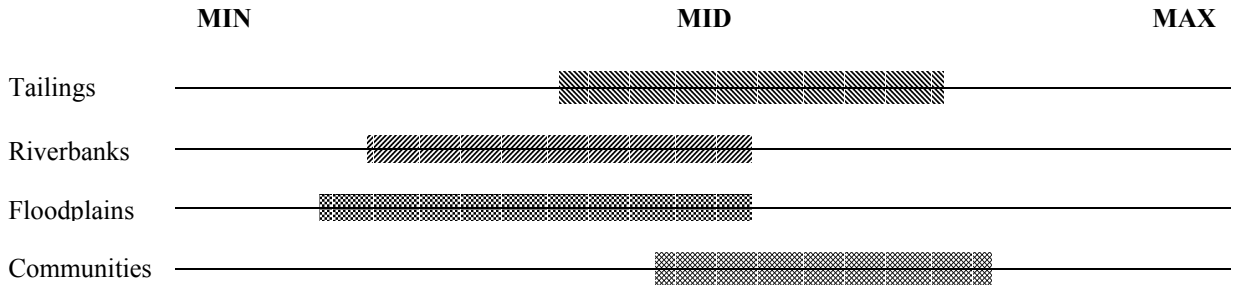
Maximum Efforts

- Prioritization of known source areas
- Restoration to background not practicable because of technology and cost.
- Identified, Prioritized, Quantified
- Possibly not able to get to all sources due to circumstances
- Use midrange technologies (treatment) rather than removals
- Open to new technologies as they emerge (questionable O&M costs)

Mid-Range Effort

- Can the valley sustain the level of cleanup in any cleanup alternative? (economic, social)
- Balancing game of tradeoffs in cleanup
- Land use restrictions need to be well defined
- Distinction between public and private lands in any cleanup or land use restriction
- Disconnect is time it takes for cleanup

Summary Chart for Group B



Summary Statements Answering Questions Posed in Framing Documents
Associated Mid-Range Remedial Alternatives

Statement 1

Midrange efforts can be employed to accomplish cleanup goals:

- Insure public health
- Assure ability to conduct commerce
- In some cases, maximum effort may be necessary to achieve minimum levels;
- In other cases minimum effort may assure maximum outcomes

Statement 2

Technology-based development is an evolving process that will be a part of cleanup strategies.

Statement

An ongoing forum to assure continued public input needs to be created.
(*to be completed in follow-up conference calls*)

Consensus Process				Clean Up			RI/FS
Draft Report	Path Forward	General	Additional Issues	Implementation	Technical Points	Workforce	RI/FS
1S - C.A.R.T. must be listed as Stakeholder	1S - Use of Internet for discussion of issues	1S - Will process have enough time for people to comment	1S - C.A.R.T. - Trail deal was done in secret	2S- Basin legislation addresses implementation	2S - Cleanup for Zn and Pb are they both considered?	2S - How does project labor agreement fit in to remediation plan?	1S - Scientific peer review by third parties?
1S - Need more time to digest and comment	3S - Humanization has occurred - don't want to lose that (Losing resource: K. Johnson)	3S - Progress of group successful because facilitators from outside area (unbiased)	3S - Learn from mistakes of Rails to Trails process so it doesn't happen again.	2S - Financing is current issue to work on	3S - Frank Frutchey's simple efforts in Mission Flats have been successful - applaud his efforts	2S - Work with implementation entity for project labor agreement	1S - Will groups that pulled out of Consenus Project be able to comment on final RI/FS documents?
3S - Verbage.. "participants in the process" vs. "the group"	3S - have geologists explain where contamination is found, proeses, etc. Vido tape for future use.	1S - Silvervalley.org	3S - Rails to Trails "people" wish they could have had a consensus process.	2S - Need "sinking fund" to provide long term financing - continuing need $	2S - Can contaminated soil be used as top soil if passes TCLP?	1S - Need more Union trained people for cleanup - deserve prevailing wages	1S - Information from CDC says epidemeology of valley not anomalous
	1S - Keep eastern valley involved, keep process going - provide a structure for decision making	1S - How should new voices be heard and incorporated	3S - There are special issues for Reservation landowners	1S - Will there be a superfund site from MT to WA -- basically superfund is here.	1S - Expressed concerns about need for top soil	1S - Union workers that have put in the time and training need to finish the work	3S - EPA Needs to rethink timeline.. However, this is State of ID driven because certainty needs to be reached for communities
	3S - As EPA synthesizes informatin and gets to a decision -- could use participants for input on "trial ballons' that would be sent up on Agency Direction	3S - WCAC has kept contact thru process and some have particpated. This collaborative effot has influenced WCAC	1S - Stop scaring the realtors and stop rumors about EPA "condemning Burke Canyon"	3S - How does community monitor what's going on when CERCLA doesn't require permits, info changes, people left out.	1S - No more filling of swimming holes and wetlands	1S - Need safe place for whistle blowers to go and be heard without fear and a guarantee action will be taken	1S - Fair, reasonable and timely peer review based on real science. - Attempt should be made to select independent entities that are agreeable to the consensus Stakeholders
Use of Report: 3S - In consensus followup meeting, come up with plan for the "group" to use to be available to Agency	1S - Continuation of Consensus Process -open to suggestion	1S - DEQ has consensus info on their web site	1S - Shoshone Co. Commission working with EPA on Burke Canyon	2S - Crapo and Craig working on federal funding	1S - Kingston residents concerned about lower basin cleanup - will they be torn up too?	1S - Local people should be able to do cleanup work -- with fair/federal prevailing wages	1S - Find out what contamination levels really are and put in understandable language
3S - EPA will give significant weight to consensus outcome from 50% to 100%	3S - Better access to information is needed.	3S - Not everyone agreed, but most came away with with understanding of other's dilemma	1S - Public Involvement in Cleanup Goals	1S - Needs better communication	1S - Shoshone Co. Commission working on top soil issues	1S - Project labor agreement would help with grievances	3S - Appreciate DEQs publication of public comments on HHRA
1S - Can concerns of WA interests usurp consensus effort	1S - Find way to bring in concerns of citizens who were not involved in consenus-- feel they are not represented	3S - How does this process affect what happens west of Idaho border? Nothing like this being undertaken in Washington so far.	1S - Noted Hazard of open mine hole	3S - Agencies make all public comments "public" - not all things should be obtained through FOIA		1S - Only through unions or federal prevailing work wage do we get enough to take care of our families	1S - Lead speciation related to blood levels - not well understood
3S - How much weight this effort carries, the range of solutions this process came up with - is consistent with EPAs thoughts on cleanup.	3S - Small bite out of a big apple- lot more to be chewed on. Learned a lot, need to capitalize on what's been developed in the process.	3S - State wanted to have something that "felt good" to the community--something built up from ground zero that could be plugged into FS	1S - Priority of Spokane River vs. Silver Valley	1S - System of checks & balances between workers, mgmt. Federal, state & local		3S - Serious investments (local workforce, professionals, suppliers) need to make, don't want to close doors on the resource	1S - Lead levels in children doesn't translate with mortality
1S - How much will outside groups overide the communities concerns	1S - ron@roisen.com has offered to create a consenus e-news network	1S - EPA will weigh consensus more than smaller concerns of individuals not in consensus effort	1S - Ombudsman's office hanging by thin thread	1S - Must stay vigilant on process			History shows risks overblown

1S - Wallace, 2/12/01; 2S and 3S - Coeur D'Alene, 2/13/01

Consensus Process				Clean Up			RI/FS
Draft Report	Path Forward	General	Additional Issues	Implementation	Technical Points	Workforce	RI/FS
	Great opportunity to use the perspetive the participants have gained.		1S - Will EPA listen to or deal with information given at ombudsman hearing?	2S - Financing must be preditable and flexible			
	1S - EPA Committed to outcome of process		1S - Questions about public voice in Burke Canyon	3S - Waiting 9 months for answers to Questions is too long			
	3S - Some technical info shared, but boggeed us down; we moved onto general concepts.		1S - Concerns about questions from Burke meeting?	3S - Acknowledgement of agencies' working on questions for citizens if answers are going to take time			
	3S - Funds could possibly be found to continue this "group"			3S - Not all questions can be answered because not all the issues are ready to be answered. Patience required.			
	3S - Monies for process have runout -- use local people to facilitate, email, etc.			2S - Funding must be free of Congress & legislation			
	3S - This type of "doing business" should be continued.						
	3S - Still have lots of details to work out--participants need to figure out next step.						

Consensus Process Workshop, March 9, 2001
Outcome of Public Summit Meetings

Comments after review of the report of the public summit meetings.

General

Insure comments from public summit meetings are documented in report.
Labor piece is a priority – Is there a way to incorporate project labor agreement into implementation legislation?

The final report should provide more emphasis on the scope of our effort and note that other issues can be dealt with through implementation.

Make sure community involvement is incorporated into implementation process.

Technical Aspects and Interface with Community Values

Concern that implementation will lack technical input and review – before implementation work must be well defined with cost estimates. Independent validation may be required of critical aspects. Technical goals must be attainable.

May need an "honest broker" to assist in resolving technical issues.
Technical folks need respect too.

Must distinguish between science and policy made with science, i.e. regulations.
Must understand differences between technical aspects and community values and acceptance.

Technical aspects being dealt with through RI/FS and CBIG, i.e. technical forums exist. Much peer review has been done on work in the Basin.

Consensus Process is dealing with difficult interface between science/engineering and community values.
Must acknowledge difficulty in communicating technical material.

Consensus Process can facilitate technical review and public understanding.
State in the report that the "group" supports technical review and identify technical groups.

Cleanup effort must be an effort to learn and more forward. Note what has been done and what needs to be done.

How to Use the Outcome

Community wants a vision

Consensus Group could be measuring stick on public acceptance.

Concern that consensus process was not in the HB-256 (implementing legislation). Assurances were given from those active in the legislative process that the outcome of the process was included.

Process must reach out to more people – how is this best accomplished? – Make the report publicly available. Participants carry outcome of the Process to their groups.

The process should transition to public involvement and provide oversight to implementation.

Consensus Process should be credited with points of "common ground" in proposed plan.

Consensus Process should formally submit their report to EPA.

Why Did This Process Work

No one's ideas were turned down- all comments were up on the board.
Built trust/validation of people's concerns.
Respect built among the participants.
Process allowed everyone to start paying attention to other's ideas.
Timing was right – people decided it was time to get involved to solve their common problem.
The effort provided leadership and a process so that people took a leap of faith.
Ground rules and understanding of how the participants got along. (This is important for the next step)
The group was small enough to build the internal organization.

Next Steps

Organize topics by CSM to get locals involved in their interests
Must acknowledge that changes are occurring in the Basin.

Scoping of Next Step

Focus on specific issues
Discuss a process or criteria for set priorities for cleanup
Address issues that are relevant to the Proposed Plan
Address linkages between among technical information and community values that affect the implementation of a cleanup plan.

Outreach

Put together package of other group and their mission statements
Don't lose sight of big picture (getting groups to talk and communicate)
CBIG could change to provide a conduit for technical discussion to the consensus process.
Process could be a forum for debate and discussion.

Comments from Consensus Process Workshop – March 9, 2001

Draft Report	Path Forward	Cleanup
Should EPA prepare letter saying how they will use outcome.	Need a "consultant" honest broker to resolve the very technical issues for each CSM unit into the important general issues - the general public can react to.	We need to do more monitoring of cleanup efforts… What DEQ calls a "Feedback Loop". Again learn from mistakes and move forward!
Need to incorporate comments into report	How do we get this group to transition to public involvement?	Make sure community can participate regardless of "body" overseeing cleanup
How or will it be used to influence policy - making?	How can consensus process continue - work with new Basin Commission	Lack of technical basis for EPAs work - need independent review.
Report out back to public news art. Copies at Library?	Opposing parties need to get together and say - This needs to be done -- Lets do it.	How to make sure local hires are part of contracts.
Labor agreement issue affirmed-very strong.	Make people involved thru entire process.	Need costs before EPA starts.
Make clear the issues the process didn't deal with	Consensus group could be EPAs measuring stick on Community acceptance.	Each clean-up effort is a learning process. Don't be afraid to make mistakes! That's how we'll learn!
Public wants a vision.	Technical information needs to be communicated and understood in community terms	Maybe congressmen can include local hire piece in federal legislation.
	Onward and upward!	TMDL needs technical basis too.
	The learning aspect of this needs to be ongoing. Have patience with new people!	
	Reach more people?	